

Message

---

**From:** Holden, Bob [bholden@joneswalker.com]  
**Sent:** 4/16/2019 6:47:49 PM  
**To:** Brooks, Phillip [Brooks.Phillip@epa.gov]  
**Subject:** RE: DPE

1-504-582-8139

Robert E. Holden | Partner  
Jones Walker LLP  
D: 504.582.8139  
BHolden@joneswalker.com

-----Original Message-----

From: Brooks, Phillip <Brooks.Phillip@epa.gov>  
Sent: Tuesday, April 16, 2019 1:19 PM  
To: Holden, Bob <bholden@joneswalker.com>  
Subject: [EXTERNAL] Re: DPE

Yes. What number should I call?

Sent from my iPhone

> On Apr 16, 2019, at 2:15 PM, Holden, Bob <bholden@joneswalker.com> wrote:

>  
> Phil,  
>  
> We will be providing information to EPA on or before the 22nd. However, the meeting is now scheduled for May 2 in Dallas.

>  
> Could we talk at 4 PM EDT?

>  
> Bob

>  
> Robert E. Holden | Partner  
> Jones Walker LLP  
> D: 504.582.8139  
> BHolden@joneswalker.com

>  
> -----Original Message-----

> From: Brooks, Phillip <Brooks.Phillip@epa.gov>  
> Sent: Tuesday, April 16, 2019 12:00 PM  
> To: Holden, Bob <bholden@joneswalker.com>  
> Subject: [EXTERNAL] RE: DPE

>  
> Bob

>  
> Do you have 10 minutes to touch base about the upcoming April 22 meeting? I think a quick discussion will make next week more productive.

> I am free until 1:30p eastern today or after 3:15pm eastern.

>  
> Best regards.

>  
> Phil

>  
> -----Original Message-----

> From: Holden, Bob <bholden@joneswalker.com>  
> Sent: Wednesday, March 27, 2019 2:35 PM  
> To: Brooks, Phillip <Brooks.Phillip@epa.gov>  
> Subject: RE: DPE

>  
> Phil,

>  
> Thank you for your email. I definitely want to stay in touch with you and try to avoid any misunderstandings between OECA and DPE.

>  
> You are correct in your statements about the March 20 site visit. We appreciate EPA's willingness to work with us on the use of FLIRs and handheld PIDs.

>  
> We had a productive telephone call yesterday with Justin Lannen, Providence Spina, Katheryn Caballero, and Cheryl Barnett yesterday regarding EPA's document request of March 22. I think we are on a path to

resolve the scheduling issues that we see with this. Justin Lannen is following up to begin scheduling a meeting between DPE and EPA senior management to discuss the on-site monitoring issues.

>  
> Please feel free to reach out at any time to be keep the communications between the parties on track.  
>  
> Bob  
>  
> Robert E. Holden | Partner  
> Jones Walker LLP  
> D: 504.582.8139  
> BHolden@joneswalker.com  
>  
>

> -----Original Message-----  
> From: Brooks, Phillip <Brooks.Phillip@epa.gov>  
> Sent: Tuesday, March 26, 2019 12:23 PM  
> To: Holden, Bob <bholden@joneswalker.com>  
> Subject: [EXTERNAL] DPE

> Bob  
>  
> Just checking in now that the walkthrough is behind us. I understand there were some issues discussed the night before about whether government folks would bring FLIR cameras or other equipment. I was informed that the Company expressed a preference that the equipment not be used and that EPA personnel agreed to abide by that preference. I was also informed that on the day of the walkthrough Company personnel asked to see the SPOD device, which was in the inspectors' vehicle. EPA personnel showed them the SPOD, but it was not powered up and did not take any samples/readings.

>  
> From what my staff reported it sounds like an amicable and professional engagement on all sides. If that is inconsistent with your understanding, please let me know.

>  
> I will stress again to my staff the importance of transparent communications with the Company as we evaluate options.

>  
> Thank you again for helping move our conversations forward.

>  
> Phillip A Brooks, Director  
> Air Enforcement Division  
> OCE/OECA  
> U.S. Environmental Protection Agency  
> (202) 564-0652  
>  
> Sent from my iPhone

Message

---

**From:** Brooks, Phillip [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E89130D467DF414390F076286D938815-BROOKS, PHILLIP]  
**Sent:** 3/26/2019 5:23:18 PM  
**To:** bholden@joneswalker.com  
**Subject:** DPE

Bob

Just checking in now that the walkthrough is behind us. I understand there were some issues discussed the night before about whether government folks would bring FLIR cameras or other equipment. I was informed that the Company expressed a preference that the equipment not be used and that EPA personnel agreed to abide by that preference. I was also informed that on the day of the walkthrough Company personnel asked to see the SPOD device, which was in the inspectors' vehicle. EPA personnel showed them the SPOD, but it was not powered up and did not take any samples/readings.

From what my staff reported it sounds like an amicable and professional engagement on all sides. If that is inconsistent with your understanding, please let me know.

I will stress again to my staff the importance of transparent communications with the Company as we evaluate options.

Thank you again for helping move our conversations forward.

Phillip A Brooks, Director  
Air Enforcement Division  
OCE/OECA  
U.S. Environmental Protection Agency  
(202) 564-0652

Sent from my iPhone

Message

---

**From:** Brooks, Phillip [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E89130D467DF414390F076286D938815-BROOKS, PHILLIP]  
**Sent:** 4/16/2019 6:18:55 PM  
**To:** Holden, Bob [bholden@joneswalker.com]  
**Subject:** Re: DPE

Yes. What number should I call?

Sent from my iPhone

> On Apr 16, 2019, at 2:15 PM, Holden, Bob <bholden@joneswalker.com> wrote:  
>  
> Phil,  
>  
> We will be providing information to EPA on or before the 22nd. However, the meeting is now scheduled for May 2 in Dallas.  
>  
> Could we talk at 4 PM EDT?  
>  
> Bob  
>  
> Robert E. Holden | Partner  
> Jones Walker LLP  
> D: 504.582.8139  
> BHolden@joneswalker.com  
>  
> -----Original Message-----  
> From: Brooks, Phillip <Brooks.Phillip@epa.gov>  
> Sent: Tuesday, April 16, 2019 12:00 PM  
> To: Holden, Bob <bholden@joneswalker.com>  
> Subject: [EXTERNAL] RE: DPE  
>  
> Bob  
>  
> Do you have 10 minutes to touch base about the upcoming April 22 meeting? I think a quick discussion will make next week more productive.  
> I am free until 1:30p eastern today or after 3:15pm eastern.  
>  
> Best regards.  
>  
> Phill  
>  
> -----Original Message-----  
> From: Holden, Bob <bholden@joneswalker.com>  
> Sent: Wednesday, March 27, 2019 2:35 PM  
> To: Brooks, Phillip <Brooks.Phillip@epa.gov>  
> Subject: RE: DPE  
>  
> Phil,  
>  
> Thank you for your email. I definitely want to stay in touch with you and try to avoid any misunderstandings between OECA and DPE.  
>  
> You are correct in your statements about the March 20 site visit. We appreciate EPA's willingness to work with us on the use of FLIRs and handheld PIDs.  
>  
> We had a productive telephone call yesterday with Justin Lannen, Providence Spina, Kathryn Caballero, and Cheryl Barnett yesterday regarding EPA's document request of March 22. I think we are on a path to resolve the scheduling issues that we see with this. Justin Lannen is following up to begin scheduling a meeting between DPE and EPA senior management to discuss the on-site monitoring issues.  
>  
> Please feel free to reach out at any time to be keep the communications between the parties on track.  
>  
> Bob  
>  
> Robert E. Holden | Partner  
> Jones Walker LLP  
> D: 504.582.8139  
> BHolden@joneswalker.com  
>  
>



> -----Original Message-----  
> From: Brooks, Phillip <Brooks.Phillip@epa.gov>  
> Sent: Tuesday, March 26, 2019 12:23 PM  
> To: Holden, Bob <bholden@joneswalker.com>  
> Subject: [EXTERNAL] DPE  
>  
> Bob  
>  
> Just checking in now that the walkthrough is behind us. I understand there were some issues discussed the night before about whether government folks would bring FLIR cameras or other equipment. I was informed that the Company expressed a preference that the equipment not be used and that EPA personnel agreed to abide by that preference. I was also informed that on the day of the walkthrough Company personnel asked to see the SPOD device, which was in the inspectors' vehicle. EPA personnel showed them the SPOD, but it was not powered up and did not take any samples/readings.  
>  
> From what my staff reported it sounds like an amicable and professional engagement on all sides. If that is inconsistent with your understanding, please let me know.  
>  
> I will stress again to my staff the importance of transparent communications with the Company as we evaluate options.  
>  
> Thank you again for helping move our conversations forward.  
>  
> Phillip A Brooks, Director  
> Air Enforcement Division  
> OCE/OECA  
> U.S. Environmental Protection Agency  
> (202) 564-0652  
>  
> Sent from my iPhone

Message

---

**From:** Lannen, Justin [Lannen.Justin@epa.gov]  
**Sent:** 6/28/2019 9:09:50 PM  
**To:** Holden, Bob [bholden@joneswalker.com]  
**CC:** Spina, Providence [Spina.Providence@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Henry, Elise [ehenry@joneswalker.com]; Jarrell, Eric [ejarrell@kingjurgens.com]; James, Amanda [Ajames@kingjurgens.com]; Kusaka, Akihiko [Akihiko-Kusaka@denka-pe.com]  
**Subject:** EPA Revised Proposal for Enhanced Air Monitoring  
**Attachments:** EPA Revised Proposal for Enhanced Monitoring 6.28.19.pdf

*Confidential Settlement Communication*

Dear Bob,

Thank you for DPE's May 29, 2019 response to EPA's April 26, 2019 Enhanced Monitoring Proposal. The attached document - EPA Revised Proposal for Enhanced Monitoring at Denka Performance Elastomer - sets forth a modified enhanced monitoring framework that takes into consideration DPE's May 29 response, as well as DPE's previously-conveyed concerns. As noted in the document, EPA requests that DPE provide an implementation plan and schedule within 30 days.

EPA looks forward to working cooperatively together on this matter. Please do not hesitate to contact me with any questions you may have.

Regards,

Justin

Justin Lannen  
Assistant Regional Counsel  
Air Enforcement Branch  
Office of Regional Counsel  
U.S. EPA, Region 6  
1201 Elm St, Ste 500  
Dallas, TX 75270  
214-665-8130

Message

---

**From:** Chernekoff, Mike [mchernekoff@joneswalker.com]  
**Sent:** 7/29/2019 11:04:32 PM  
**To:** Lannen, Justin [Lannen.Justin@epa.gov]  
**CC:** Spina, Providence [Spina.Providence@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Holden, Bob [bholden@joneswalker.com]; Henry, Elise [ehenry@joneswalker.com]; Kusaka, Akihiko [Akihiko-Kusaka@denka-pe.com]  
**Subject:** FW: EPA Revised Proposal for Enhanced Air Monitoring  
**Attachments:** ATT00001.txt; DPE Ltr to EPA re June 28 Proposal 7-29-2019 (N3860187x7A3A0).pdf; Attachment A - DPE Response to EPA June 28 Proposal (N3860008x7A3A0).pdf

*Confidential Settlement Communication*

Justin,

On behalf of DPE, please see our response to your June 28, 2019 Revised Proposal for Enhanced Monitoring.

We continue to seek to work cooperatively with EPA and to address any questions you may have.

Regards,

Mike



**Michael A. Chernekoff**  
*Partner*  
**Jones Walker LLP**  
D: 713.437.1827 F: 713.437.1927  
C: 832.260.5740  
mchernekoff@joneswalker.com

811 Main St, Ste 2900  
Houston, TX 77002  
T: 713.437.1800  
www.joneswalker.com

***We have relocated. Please note Jones Walker's new office address.***

---

**From:** Lannen, Justin <Lannen.Justin@epa.gov>  
**Sent:** Friday, June 28, 2019 4:10 PM  
**To:** Holden, Bob <bholden@joneswalker.com>  
**Cc:** Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Henry, Elise <ehenry@joneswalker.com>; Jarrell, Eric <ejarrell@kingjurgens.com>; James, Amanda <Ajames@kingjurgens.com>; Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>  
**Subject:** [EXTERNAL] EPA Revised Proposal for Enhanced Air Monitoring

*Confidential Settlement Communication*

Dear Bob,

Thank you for DPE's May 29, 2019 response to EPA's April 26, 2019 Enhanced Monitoring Proposal. The attached document - EPA Revised Proposal for Enhanced Monitoring at Denka Performance Elastomer - sets forth a modified enhanced monitoring framework that takes into consideration DPE's May 29 response, as well as DPE's previously-conveyed concerns. As noted in the document, EPA requests that DPE provide an implementation plan and schedule within 30 days.

EPA looks forward to working cooperatively together on this matter. Please do not hesitate to contact me with any questions you may have.

Regards,

Justin

Justin Lannen  
Assistant Regional Counsel  
Air Enforcement Branch  
Office of Regional Counsel  
U.S. EPA, Region 6  
1201 Elm St, Ste 500  
Dallas, TX 75270  
214-665-8130

Message

---

**From:** Holden, Bob [bholden@joneswalker.com]  
**Sent:** 3/19/2019 11:23:14 PM  
**To:** Lannen, Justin [Lannen.Justin@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Payne, James [payne.james@epa.gov]; Ted R. Broyles II (Ted.Broyles@la.gov) [Ted.Broyles@la.gov]; Dwana King (dwana.king@la.gov) [dwana.king@la.gov]  
**CC:** Kusaka, Akihiko [Akihiko-Kusaka@denka-pe.com]; Henry, Elise [ehenry@joneswalker.com]; Eric E. Jarrell (ejarrell@kingkrebs.com) [ejarrell@kingkrebs.com]; James, Amanda [Ajames@kingjurgens.com]  
**Subject:** RE: DPE Plant Visit, 3/20/19 , Revised Agenda

Justin,

Thank you for the confirmation that EPA will not be bringing handheld PIDs and will not do any SPod demonstration offsite. We think that will be constructive for tomorrow's site visit.

We are concerned, however, that the FLIR cameras introduce the same concerns as with the handheld PIDs. As you know, we just learned about EPA's intention to use the FLIR cameras this afternoon, and we have many questions about the information they will produce. We do not see that the FLIR cameras would contribute in a meaningful way to the discussion about possible onsite monitoring with the SPods. We would respectfully ask EPA to reconsider the use of FLIR cameras for tomorrow.

I know that time is pressing with the visit scheduled to commence at 7:30 AM tomorrow. Please feel free to call me if it would be helpful. My cell number is 504-813-3049.

Thanks for your attention to this.

Bob

**Robert E. Holden** | Partner  
Jones Walker LLP  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)

---

**From:** Lannen, Justin <Lannen.Justin@epa.gov>  
**Sent:** Tuesday, March 19, 2019 4:16 PM  
**To:** Holden, Bob <bholden@joneswalker.com>; Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>  
**Cc:** Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>; Henry, Elise <ehenry@joneswalker.com>; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingjurgens.com>  
**Subject:** [EXTERNAL] RE: DPE Plant Visit, 3/20/19 , Revised Agenda

Bob:

Thank you for your email. We are fine with your client's revision to the agenda (as presented in red font in your email).

You asked for confirmation that the site visit will "involve a walkthrough but not an inspection." We cannot confirm that. As we have indicated in our recent discussions and as Provi noted in her March 13, 2019 email to you, EPA is doing this site visit pursuant to its inspection and information gathering authorities under CAA Section 114. However, and as also noted in Provi's March 13 email, EPA's plan for the site visit is primarily to explore the possibility of a collaborative approach for on-site monitoring.

Regarding PID and/or SPod monitoring, EPA attendees will not bring any handheld PID monitors on-site. Further, EPA agrees that any SPod demonstration will take place off-site. EPA is planning, however, to bring a FLIR (forward-looking infrared) camera on-site. Use of a FLIR camera during the site visit will be a helpful tool in assessing potential locations of the SPods. Because EPA would utilize the FLIR camera to make real-time observations to inform possible future SPod placement, EPA would plan to operate the FLIR camera in "non-record" mode during the March 20 site visit.

We appreciate your client's cooperation and your efforts to accommodate EPA's schedule. Please let us know if you have any questions.

Regards,

Justin Lannen  
Assistant Regional Counsel  
Air Enforcement Branch, 6RC-EA  
U.S. EPA, Region 6  
1445 Ross Ave, Ste 1200  
Dallas, TX 75202  
214-665-8130

---

**From:** Holden, Bob <bholden@joneswalker.com>

**Sent:** Tuesday, March 19, 2019 10:25 AM

**To:** Lannen, Justin <Lannen.Justin@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>

**Cc:** Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>; Henry, Elise <ehenry@joneswalker.com>; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingjurgens.com>

**Subject:** DPE Plant Visit, 3/20/19 , Revised Agenda

All:

This will confirm the agenda for tomorrow's site visit to the DPE facility. As you know, attorneys will not be present for the visit, so please pass this agenda on to your technical representatives. DPE has added one item, in red, to EPA's proposed agenda. We think it will be important for EPA to understand DPE's efforts to track down and understand sources of emissions causing ambient spikes before the plant tour.

In addition, to confirm, we understand that the site visit will involve a walkthrough, but that it is not an inspection. We would request that any monitoring with PIDs and/or any SPod demonstration take place offsite. We think this would contribute to making this a constructive visit.

The following is our revised agenda:

#### **AGENDA**

- 730 AM - EPA arrives onsite and is taken to 8770 Conf Room.
  - Safety Video presentation will be shown to the whole group in the 8770 Bldg.
- EPA presents its goals, go over any technology questions DPE may have, and lay out our EPA's preliminary ideas on the siting of the SPOD monitors and how the "base station" would communicate with the SPODs.
  - At this point, EPA would welcome thoughts and potential concerns from Denka.
- DPE presentation and discussion updating and providing additional information about the spikes
  - Description of efforts and resources spent by DPE to identify the sources of spikes
- Next would be a site walk-through where EPA would assess the potential locations of the SPODs and where DPE could showcase the improvements it has made to the facility.
- 12:30 – 130: Lunch

- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

**Robert E. Holden** | Partner  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)



Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
[joneswalker.com](http://joneswalker.com)

Message

---

**From:** Holden, Bob [bholden@joneswalker.com]  
**Sent:** 3/19/2019 9:25:31 PM  
**To:** Lannen, Justin [Lannen.Justin@epa.gov]; Spina, Providence [Spina.Providence@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Payne, James [payne.james@epa.gov]; Ted R. Broyles II (Ted.Broyles@la.gov) [Ted.Broyles@la.gov]; Dwana King (dwana.king@la.gov) [dwana.king@la.gov]  
**CC:** Kusaka, Akihiko [Akihiko-Kusaka@denka-pe.com]; Henry, Elise [ehenry@joneswalker.com]; Eric E. Jarrell (ejarrell@kingkrebs.com) [ejarrell@kingkrebs.com]; James, Amanda [Ajames@kingjurgens.com]  
**Subject:** RE: DPE Plant Visit, 3/20/19 , Revised Agenda

Justin,

Thank you for your prompt response.

Bob

**Robert E. Holden** | Partner  
Jones Walker LLP  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)

---

**From:** Lannen, Justin <Lannen.Justin@epa.gov>  
**Sent:** Tuesday, March 19, 2019 4:16 PM  
**To:** Holden, Bob <bholden@joneswalker.com>; Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>  
**Cc:** Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>; Henry, Elise <ehenry@joneswalker.com>; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingjurgens.com>  
**Subject:** [EXTERNAL] RE: DPE Plant Visit, 3/20/19 , Revised Agenda

Bob:

Thank you for your email. We are fine with your client's revision to the agenda (as presented in red font in your email).

You asked for confirmation that the site visit will "involve a walkthrough but not an inspection." We cannot confirm that. As we have indicated in our recent discussions and as Provi noted in her March 13, 2019 email to you, EPA is doing this site visit pursuant to its inspection and information gathering authorities under CAA Section 114. However, and as also noted in Provi's March 13 email, EPA's plan for the site visit is primarily to explore the possibility of a collaborative approach for on-site monitoring.

Regarding PID and/or SPod monitoring, EPA attendees will not bring any handheld PID monitors on-site. Further, EPA agrees that any SPod demonstration will take place off-site. EPA is planning, however, to bring a FLIR (forward-looking infrared) camera on-site. Use of a FLIR camera during the site visit will be a helpful tool in assessing potential locations of the SPods. Because EPA would utilize the FLIR camera to make real-time observations to inform possible future SPod placement, EPA would plan to operate the FLIR camera in "non-record" mode during the March 20 site visit.

We appreciate your client's cooperation and your efforts to accommodate EPA's schedule. Please let us know if you have any questions.

Regards,

Justin Lannen



Assistant Regional Counsel  
Air Enforcement Branch, 6RC-EA  
U.S. EPA, Region 6  
1445 Ross Ave, Ste 1200  
Dallas, TX 75202  
214-665-8130

---

**From:** Holden, Bob <bholden@joneswalker.com>  
**Sent:** Tuesday, March 19, 2019 10:25 AM  
**To:** Lannen, Justin <Lannen.Justin@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>  
**Cc:** Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>; Henry, Elise <ehenry@joneswalker.com>; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingjurgens.com>  
**Subject:** DPE Plant Visit, 3/20/19 , Revised Agenda

All:

This will confirm the agenda for tomorrow's site visit to the DPE facility. As you know, attorneys will not be present for the visit, so please pass this agenda on to your technical representatives. DPE has added one item, in red, to EPA's proposed agenda. We think it will be important for EPA to understand DPE's efforts to track down and understand sources of emissions causing ambient spikes before the plant tour.

In addition, to confirm, we understand that the site visit will involve a walkthrough, but that it is not an inspection. We would request that any monitoring with PIDs and/or any SPOD demonstration take place offsite. We think this would contribute to making this a constructive visit.

The following is our revised agenda:

#### **AGENDA**

- 730 AM - EPA arrives onsite and is taken to 8770 Conf Room.
  - Safety Video presentation will be shown to the whole group in the 8770 Bldg.
- EPA presents its goals, go over any technology questions DPE may have, and lay out our EPA's preliminary ideas on the siting of the SPOD monitors and how the "base station" would communicate with the SPODs.
  - At this point, EPA would welcome thoughts and potential concerns from Denka.
- DPE presentation and discussion updating and providing additional information about the spikes
  - Description of efforts and resources spent by DPE to identify the sources of spikes
- Next would be a site walk-through where EPA would assess the potential locations of the SPODs and where DPE could showcase the improvements it has made to the facility.
- 12:30 – 130: Lunch
- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

**Robert E. Holden** | Partner  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)





Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
[joneswalker.com](http://joneswalker.com)

Message

---

**From:** Lannen, Justin [Lannen.Justin@epa.gov]  
**Sent:** 3/19/2019 9:15:43 PM  
**To:** Holden, Bob [bholden@joneswalker.com]; Spina, Providence [Spina.Providence@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Payne, James [payne.james@epa.gov]; Ted R. Broyles II (Ted.Broyles@la.gov) [Ted.Broyles@la.gov]; Dwana King (dwana.king@la.gov) [dwana.king@la.gov]  
**CC:** Kusaka, Akihiko [Akihiko-Kusaka@denka-pe.com]; Henry, Elise [ehenry@joneswalker.com]; Eric E. Jarrell (ejarrell@kingkrebs.com) [ejarrell@kingkrebs.com]; James, Amanda [Ajames@kingjurgens.com]  
**Subject:** RE: DPE Plant Visit, 3/20/19 , Revised Agenda

Bob:

Thank you for your email. We are fine with your client's revision to the agenda (as presented in red font in your email).

You asked for confirmation that the site visit will "involve a walkthrough but not an inspection." We cannot confirm that. As we have indicated in our recent discussions and as Provi noted in her March 13, 2019 email to you, EPA is doing this site visit pursuant to its inspection and information gathering authorities under CAA Section 114. However, and as also noted in Provi's March 13 email, EPA's plan for the site visit is primarily to explore the possibility of a collaborative approach for on-site monitoring.

Regarding PID and/or SPod monitoring, EPA attendees will not bring any handheld PID monitors on-site. Further, EPA agrees that any SPod demonstration will take place off-site. EPA is planning, however, to bring a FLIR (forward-looking infrared) camera on-site. Use of a FLIR camera during the site visit will be a helpful tool in assessing potential locations of the SPods. Because EPA would utilize the FLIR camera to make real-time observations to inform possible future SPod placement, EPA would plan to operate the FLIR camera in "non-record" mode during the March 20 site visit.

We appreciate your client's cooperation and your efforts to accommodate EPA's schedule. Please let us know if you have any questions.

Regards,

Justin Lannen  
Assistant Regional Counsel  
Air Enforcement Branch, 6RC-EA  
U.S. EPA, Region 6  
1445 Ross Ave, Ste 1200  
Dallas, TX 75202  
214-665-8130

---

**From:** Holden, Bob <bholden@joneswalker.com>  
**Sent:** Tuesday, March 19, 2019 10:25 AM  
**To:** Lannen, Justin <Lannen.Justin@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>  
**Cc:** Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>; Henry, Elise <ehenry@joneswalker.com>; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingjurgens.com>  
**Subject:** DPE Plant Visit, 3/20/19 , Revised Agenda

All:

This will confirm the agenda for tomorrow's site visit to the DPE facility. As you know, attorneys will not be present for the visit, so please pass this agenda on to your technical representatives. DPE has added one item, in red, to EPA's proposed agenda. We think it will be important for EPA to understand DPE's efforts to track down and understand sources of emissions causing ambient spikes before the plant tour.

In addition, to confirm, we understand that the site visit will involve a walkthrough, but that it is not an inspection. We would request that any monitoring with PIDs and/or any SPod demonstration take place offsite. We think this would contribute to making this a constructive visit.

The following is our revised agenda:

#### **AGENDA**

- 730 AM - EPA arrives onsite and is taken to 8770 Conf Room.
  - Safety Video presentation will be shown to the whole group in the 8770 Bldg.
- EPA presents its goals, go over any technology questions DPE may have, and lay out our EPA's preliminary ideas on the siting of the SPOD monitors and how the "base station" would communicate with the SPODs.
  - At this point, EPA would welcome thoughts and potential concerns from Denka.
- DPE presentation and discussion updating and providing additional information about the spikes
  - Description of efforts and resources spent by DPE to identify the sources of spikes
- Next would be a site walk-through where EPA would assess the potential locations of the SPODs and where DPE could showcase the improvements it has made to the facility.
- 12:30 – 130: Lunch
- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

**Robert E. Holden** | Partner  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)



**JONES  
WALKER**

Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
[joneswalker.com](http://joneswalker.com)

Message

---

**From:** Holden, Bob [bholden@joneswalker.com]  
**Sent:** 3/13/2019 4:55:22 PM  
**To:** Spina, Providence [Spina.Providence@epa.gov]; Payne, James [payne.james@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Lannen, Justin [Lannen.Justin@epa.gov]  
**CC:** Ted R. Broyles II (Ted.Broyles@la.gov) [Ted.Broyles@la.gov]; herman.robinson@la.gov; Eric E. Jarrell (ejarrell@kingkrebs.com) [ejarrell@kingkrebs.com]; James, Amanda [Ajames@kingjurgens.com]; Henry, Elise [ehenry@joneswalker.com]; Holmstead, Jeff [jeff.holmstead@bracewell.com]; Kusaka, Akihiko [Akihiko-Kusaka@denka-pe.com]  
**Subject:** RE: Denka Performance Elastomer, March 20 EPA Visit

Thank you!

**Robert E. Holden** | Partner  
Jones Walker LLP  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)

---

**From:** Spina, Providence <Spina.Providence@epa.gov>  
**Sent:** Wednesday, March 13, 2019 11:16 AM  
**To:** Holden, Bob <bholden@joneswalker.com>; Payne, James <payne.james@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Lannen, Justin <Lannen.Justin@epa.gov>  
**Cc:** Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; herman.robinson@la.gov; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingjurgens.com>; Henry, Elise <ehenry@joneswalker.com>; Holmstead, Jeff <jeff.holmstead@bracewell.com>; Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>  
**Subject:** [EXTERNAL] RE: Denka Performance Elastomer, March 20 EPA Visit

Dear Bob,

Thank you for confirming that EPA's site visit to the LaPlace Plant will proceed on March 20, 2019, possibly continuing to March 21, 2019. Although we are making this visit pursuant to EPA's inspection and information-gathering authority under Clean Air Act Section 114, we appreciate the Company's cooperation and your efforts to accommodate our schedule. We first conveyed our intention to conduct a site visit during a conference call with you on December 21, 2018. Since that time, DPE and EPA have held several conference calls and an in-person meeting to discuss EPA's on-site monitoring proposal, DPE's analysis of emission "spikes," and logistics of the proposed site visit. On a March 7, 2019 conference call, you requested an agenda for the site visit. We conveyed the agenda on March 8, 2019, both verbally on a conference call and by e-mail correspondence. The agenda identifies our intent to discuss with DPE EPA's approach and objectives for on-site monitoring and to conduct a walk-through of the Plant. During the walk-through, EPA intends to explore and consider monitor siting issues and to observe and learn more about DPE's ongoing operations, including emission control projects, emission sources, and technical challenges relating to certain non-routine emission events. Finally, the agenda provides for an afternoon discussion with DPE. During and after the walk-through and the afternoon discussion, EPA welcomes the opportunity for DPE to share with EPA further explanation of DPE's process for "identifying and addressing unusual emission events and spikes."

The following individuals will participate in the March 20, 2019 site visit:

From EPA: James Leathers (Region 6), Dan Hoyt (OECA), Greg Fried (OECA), Bill Squier (NEIC), Martha Hamre (NEIC)

From LDEQ: Michael Alegro, Daniel Odem

Regarding your remaining requests below:

- EPA agrees that any SPod demonstration can be conducted at a location agreeable to Denka, including potentially off site or near a current off-site monitor.
- Neither EPA nor LDEQ attorneys plan to attend.
- Following the site visit, DPE will have an opportunity to visit with senior management at EPA about the pros and cons of on-site monitoring.

We appreciate your continued cooperation. Please let us know if you have any further questions.

Regards,

Providence Spina  
202-564-2722

---

**From:** Holden, Bob <bholden@joneswalker.com>

**Sent:** Tuesday, March 12, 2019 1:02 PM

**To:** Payne, James <payne.james@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Lannen, Justin <Lannen.Justin@epa.gov>

**Cc:** Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; herman.robinson@la.gov; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingjurgens.com>; Henry, Elise <ehenry@joneswalker.com>; Holmstead, Jeff <jeff.holmstead@bracewell.com>; Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>

**Subject:** Denka Performance Elastomer, March 20 EPA Visit

Dear Jim, Providence, Patricia, Katheryn, and Justin:

This will confirm that DPE agrees to host an EPA site visit to the LaPlace plant on March 20, with the possibility that the visit would carryover through March 21, generally to follow the agenda provided by Justin on March 8. In connection with the visit, we would request:

- That the agenda include an opportunity for DPE to provide EPA with an extended explanation of its process for identifying and addressing unusual emission events that may give rise to spikes;
- That any SPod demonstration be conducted offsite, perhaps near one of the current offsite monitors;
- DPE's lawyers will not plan to attend, unless EPA lawyers plan to attend; and
- That following the site visit, DPE will have a full opportunity to visit with senior management at EPA about the pros and cons of onsite monitoring.

We will be in further touch with you shortly about the details of the meeting. For logistical purposes, if you could confirm who from EPA will attend, we will provide those names to the security desk in advance to expedite the entry process.

Please let me know if you have questions about this.

Bob

**Robert E. Holden** | Partner  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)





Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
[joneswalker.com](http://joneswalker.com)

Message

---

**From:** Lannen, Justin [Lannen.Justin@epa.gov]  
**Sent:** 3/8/2019 10:36:43 PM  
**To:** Holden, Bob [bholden@joneswalker.com]  
**CC:** Spina, Providence [Spina.Providence@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]  
**Subject:** Agenda and confirmation

Bob:

It was good speaking with you again. Below is a draft agenda for the site visit, which we went over orally on our call. We welcome any input.

Also, please accept this email as confirmation that your client will have the opportunity to meet with EPA Senior Management, after the March 20 site visit, to have a substantive discussion about the merits of moving forward with deployment of the on-site air monitoring network.

As a reminder, Provi will serve as POC for EPA next week.

Best Regards,

Justin

Draft Agenda for March 20, 2019 Denka Facility Site Visit

7:30 – 8:00	Facility entry (clear security and required site safety training)
8:00 – 8:30	Entry briefing
8:30 – 9:00	EPA: goals; network design; siting of monitors
9:00 – 9:30	Denka: Thoughts and potential concerns
9:30 – 11:30	Site walk-through (air monitor siting considerations; tour of completed and ongoing control projects)
11:30 – 12:30	Lunch
12:30 – 4:30	Post-walk-through discussion ( <i>e.g.</i> , DPE to discuss improvements at the facility, ongoing technical challenges)
TBD:	Sensit SPod demonstration



Message

---

**From:** Spina, Providence [Spina.Providence@epa.gov]  
**Sent:** 3/12/2019 8:30:27 PM  
**To:** Holden, Bob [bholden@joneswalker.com]; Payne, James [payne.james@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Caballero, Kathryn [Caballero.Kathryn@epa.gov]; Lannen, Justin [Lannen.Justin@epa.gov]  
**CC:** Ted R. Broyles II (Ted.Broyles@la.gov) [Ted.Broyles@la.gov]; herman.robinson@la.gov; Eric E. Jarrell (ejarrell@kingkrebs.com) [ejarrell@kingkrebs.com]; James, Amanda [Ajames@kingjurgens.com]; Henry, Elise [ehenry@joneswalker.com]; Holmstead, Jeff [jeff.holmstead@bracewell.com]; Kusaka, Akihiko [Akihiko-Kusaka@denka-pe.com]  
**Subject:** RE: Denka Performance Elastomer, March 20 EPA Visit

Thank you, Bob. We are preparing a response covering your specific requests below. In the meantime, please let us know if you have any further questions.

Regards,

Providence Spina  
202-564-2722

---

**From:** Holden, Bob <bholden@joneswalker.com>  
**Sent:** Tuesday, March 12, 2019 1:02 PM  
**To:** Payne, James <payne.james@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Lannen, Justin <Lannen.Justin@epa.gov>  
**Cc:** Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; herman.robinson@la.gov; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingjurgens.com>; Henry, Elise <ehenry@joneswalker.com>; Holmstead, Jeff <jeff.holmstead@bracewell.com>; Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>  
**Subject:** Denka Performance Elastomer, March 20 EPA Visit

Dear Jim, Providence, Patricia, Katheryn, and Justin:

This will confirm that DPE agrees to host an EPA site visit to the LaPlace plant on March 20, with the possibility that the visit would carryover through March 21, generally to follow the agenda provided by Justin on March 8. In connection with the visit, we would request:

- That the agenda include an opportunity for DPE to provide EPA with an extended explanation of its process for identifying and addressing unusual emission events that may give rise to spikes;
- That any SPod demonstration be conducted offsite, perhaps near one of the current offsite monitors;
- DPE's lawyers will not plan to attend, unless EPA lawyers plan to attend; and
- That following the site visit, DPE will have a full opportunity to visit with senior management at EPA about the pros and cons of onsite monitoring.

We will be in further touch with you shortly about the details of the meeting. For logistical purposes, if you could confirm who from EPA will attend, we will provide those names to the security desk in advance to expedite the entry process.

Please let me know if you have questions about this.

Bob

**Robert E. Holden** | Partner  
D: 504.582.8139

[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)



Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
[joneswalker.com](http://joneswalker.com)

Message

---

**From:** Gray, David [gray.david@epa.gov]  
**Sent:** 3/5/2019 1:50:15 PM  
**To:** Holden, Bob [bholden@joneswalker.com]  
**CC:** Lannen, Justin [Lannen.Justin@epa.gov]; Welton, Patricia [Welton.Patricia@epa.gov]; Henry, Elise [ehenry@joneswalker.com]  
**Subject:** RE: [EXTERNAL] Re: DPE Presentation Materials for March 6 - Confidential Settlement Communication  
**Attachments:** EPA Denka 3\_6\_2019.pdf; Denka 408 Settlement DOJ Presentation 4.26.2018 edited 2.pdf

Bob,

Here is a general update from EPA for the March 6 meeting with DPE. I have also attached a copy of the confidential April 2018 DOJ Settlement Presentation in case it is helpful to the discussion.

David

-----Original Message-----

From: Holden, Bob <bholden@joneswalker.com>  
Sent: Monday, March 4, 2019 6:01 PM  
To: Gray, David <gray.david@epa.gov>  
Cc: Lannen, Justin <Lannen.Justin@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Henry, Elise <ehenry@joneswalker.com>  
Subject: Re: [EXTERNAL] Re: DPE Presentation Materials for March 6 - Confidential Settlement Communication

David,

Thank you for asking. We plan to have someone from Harris Deville & Associates walk a view only copy over to LDEQ on Wednesday morning. Louisiana's public records requirements are tricky, and we think that is preferable. We have advised LDEQ of the plan, and they are comfortable with it.

Bob

Sent from my iPad

On Mar 4, 2019, at 4:50 PM, Gray, David <gray.david@epa.govmailto:gray.david@epa.gov> wrote:

Bob,

We have a confidentiality agreement with LDEQ. Is it permissible to share this copy of your presentation with them?

David

Sent from my iPhone

On Mar 4, 2019, at 4:14 PM, Holden, Bob <bholden@joneswalker.commailto:bholden@joneswalker.com> wrote:

David, Justen, and Patricia:

Attached is a CBI-redacted copy of DPE's presentation materials for March 6. We will provide Justen with an unredacted and the OECA attorneys with copy.

Bob

Robert E. Holden | Partner  
D: 504.582.8139  
BHolden@joneswalker.commailto:BHolden@joneswalker.com

<image001.png><<http://www.joneswalker.com/professionals/robert-bob-e-holden.html>><image002.png><<http://www.joneswalker.com/professionals/robert-bob-e-holden/vcard.vcf>>

<image003.png>

Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
[joneswalker.com](http://www.joneswalker.com/)<<http://www.joneswalker.com/>>  
<DPE Presentation EPA R6 3-6-2019 Redacted (N3784131x7A3A0).PDF>



**March 6, 2019 EPA/Denka Elastomers LLC Discussion**  
**EPA Summary Information**

**EPA Air Monitoring Data Summary**

Chloroprene Concentrations at LaPlace, LA Monitors  
(May 26, 2016 through February 16, 2019)

Average Concentration at each Monitor Location

Location	Pre-RTO Average (ug/m <sup>3</sup> )	Post-RTO Average (ug/m <sup>3</sup> )	Decrease in Average (%)
Chad Baker	8.39	2.58	- 69.2
Acorn & 44 <sup>th</sup> St	3.52	1.66	- 52.8
E St. John the Baptist High School	1.84	0.477	-74.1
Fifth Ward Elementary School	6.86	2.11	- 69.2
Levee	5.64	2.70	- 63.0
Ochsner Hospital	3.38	1.35	- 60.1

- *Post-RTO, the average ambient concentration measured at each site has decreased significantly.*
- *While these decreases show progress, we are still concerned about the level of the average concentrations.*

Chloroprene Concentrations at LaPlace, LA Monitors  
(May 26, 2016 through February 16, 2019)

Highest Concentration at each Monitor Location

Location	Pre-RTO High Concentration (ug/m <sup>3</sup> )	Post-RTO High Concentration (ug/m <sup>3</sup> )	Decrease in Highest Concentration (%)
Chad Baker	70.0	37.4	- 46.6
Acorn & 44 <sup>th</sup> St	153	77.3	- 49.4
E St. John the Baptist High School	39.5	5.51	- 86.1
Fifth Ward Elementary School	151	57.7	- 61.8
Levee	147	98.7	- 32.9
Ochsner Hospital	89.2	41.0	- 54.0

- *Post-RTO, the maximum ambient concentration measured at each site has decreased significantly.*
- *While these decreases show progress, we are still concerned about the level of the maximum concentrations.*
- *Because these "spikes" drive the average concentrations, we would like to better understand the cause of the "spikes."*

## March 6, 2019 EPA/Denka Elastomers LLC Discussion EPA Summary Information

### Chloroprene Concentrations at LaPlace, LA Monitors (May 26, 2016 through February 4, 2019)

Percent Occurrences with Concentrations Greater than 20 ug/m<sup>3</sup>

Location	Pre-RTO (%)	Post-RTO (%)
Chad Baker	16	1
Acorn & 44 <sup>th</sup> St	6	1
E St. John the Baptist High School	1	0
Fifth Ward Elementary School	10	1
Levee	7	3
Ochsner Hospital	3	1

- *Post RTO, the percentage of ambient measurements above 20 ug/m<sup>3</sup> has decreased.*
- *While these decreases show progress, we are concerned such high values are still being detected.*

Percent Concentrations Greater than 2 ug/m<sup>3</sup> (includes values greater than 20)

Location	Pre-RTO	Post-RTO
Chad Baker	49	25
Acorn & 44 <sup>th</sup> St	20	11
E St. John the Baptist High School	21	5
Fifth Ward Elementary School	42	20
Levee	42	21
Ochsner Hospital	23	10

- *Post-RTO, the percentage of ambient measurements above 2 ug/m<sup>3</sup> has decreased.*
- *While decreases show progress, we are concerned about the frequency and magnitude of such values.*

Percent Concentrations Greater than 0.2 ug/m<sup>3</sup> and Less than 2 ug/m<sup>3</sup>

Location	Pre-RTO	Post-RTO
Chad Baker	17	28
Acorn & 44 <sup>th</sup> St	22	31
E St. John the Baptist High School	32	31
Fifth Ward Elementary School	23	28
Levee	26	41
Ochsner Hospital	25	26

- *Post-RTO, the percentage of ambient measurements between 0.2 ug/m<sup>3</sup> and 2 ug/m<sup>3</sup> has increased because of the emission reduction activities by the facility.*

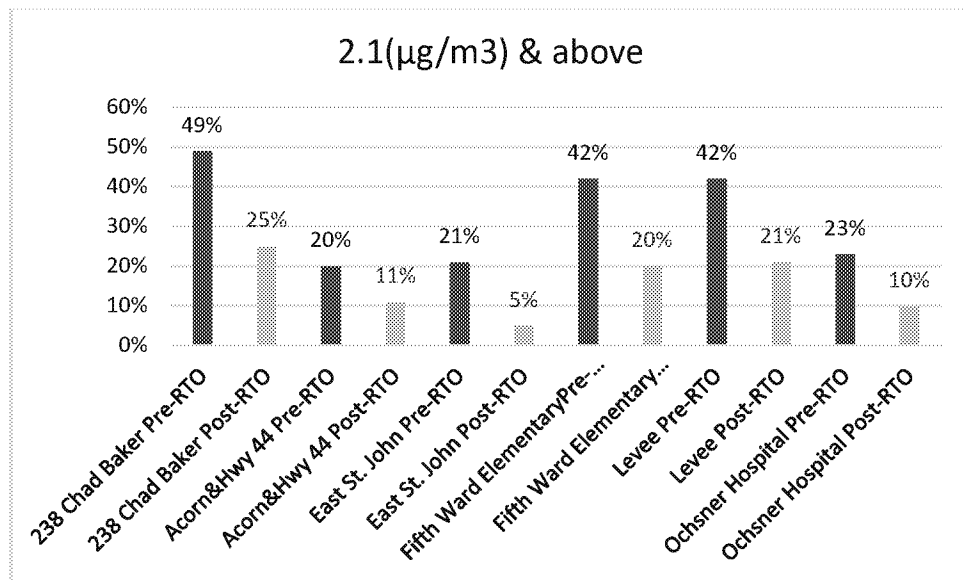
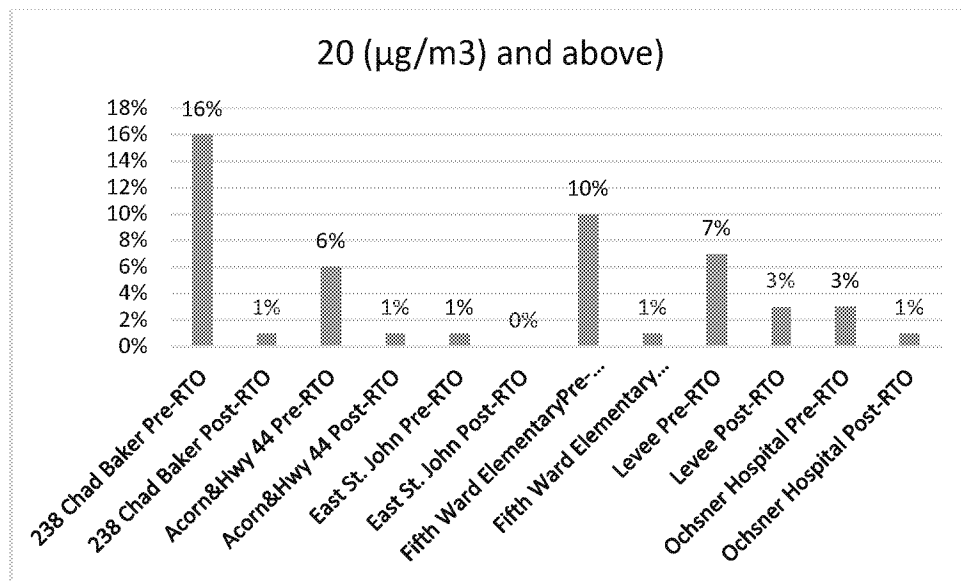
Percent with Concentrations Less than 0.2 ug/m<sup>3</sup>

Location	Pre-RTO	Post-RTO
Chad Baker	33	45
Acorn & 44 <sup>th</sup> St	56	57
E St. John the Baptist High School	46	63
Fifth Ward Elementary School	33	50
Levee	31	37
Ochsner Hospital	50	63

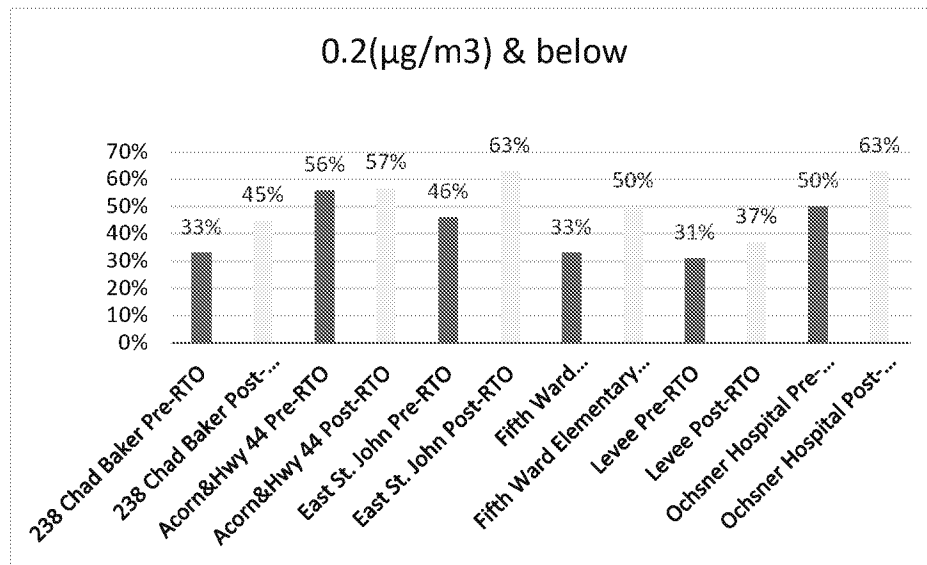
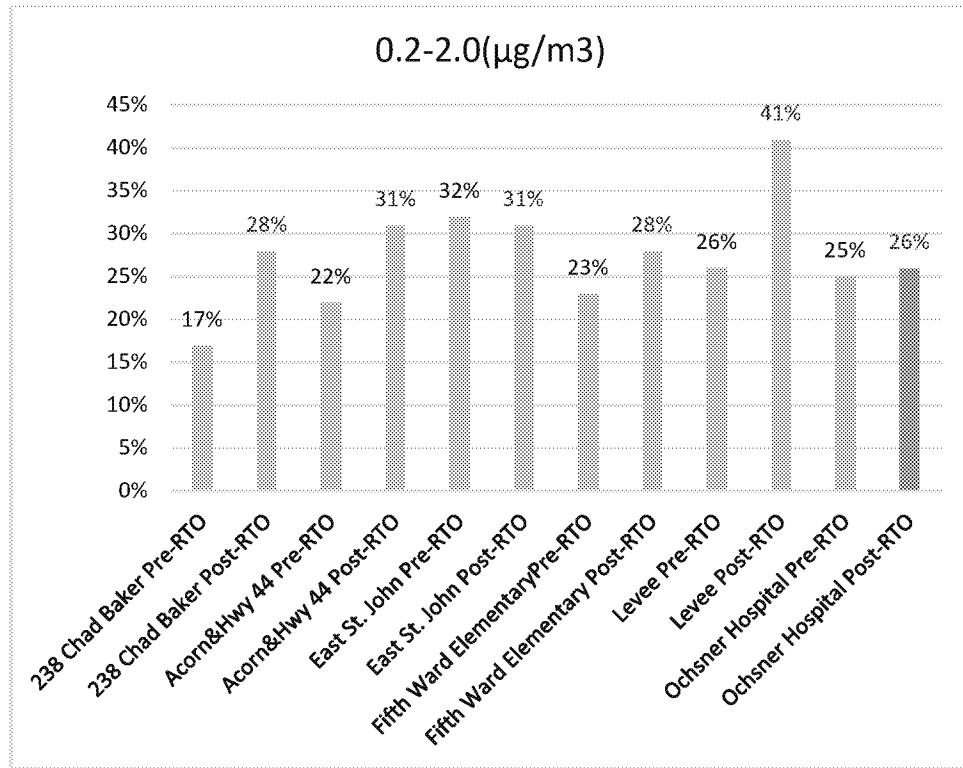
## March 6, 2019 EPA/Denka Elastomers LLC Discussion

### EPA Summary Information

- *Post-RTO, the number of measurements below 0.2 ug/m3 has increased because of the emission reduction activities by the facility.*



# March 6, 2019 EPA/Denka Elastomers LLC Discussion EPA Summary Information





## March 6, 2019 EPA/Denka Elastomers LLC Discussion EPA Summary Information

### Chloroprene Concentrations at LaPlace, LA Monitors (May 26, 2016 through February 16, 2019)

Post RTO: Number of Elevated Concentrations above 20 ug/m<sup>3</sup> Without an Operational Explanation

Location	Post-RTO Average (ug/m <sup>3</sup> )
Chad Baker	3*
Acorn & 44 <sup>th</sup> St	0
E St. John the Baptist High School	0
Fifth Ward Elementary School	0
Levee	0
Ochsner Hospital	0

- *We are concerned about ongoing measurements above 20 ug/m<sup>3</sup> without a known cause.*

Post RTO: Number of Elevated Concentrations above 2 ug/m<sup>3</sup> to 20 ug/m<sup>3</sup> Without an Operational Explanation

Location	Post-RTO Average (ug/m <sup>3</sup> )
Chad Baker	37
Acorn & 44 <sup>th</sup> St	11
E St. John the Baptist High School	8
Fifth Ward Elementary School	25
Levee	23
Ochsner Hospital	10

- *We are concerned about the measurements between 2 ug/m<sup>3</sup> and 20 ug/m<sup>3</sup> without a known cause.*

Post RTO: Number of Elevated Concentrations above 0.2 ug/m<sup>3</sup> to 2 ug/m<sup>3</sup> Without an Operational Explanation

Location	Post-RTO Average (ug/m <sup>3</sup> )
Chad Baker	31
Acorn & 44 <sup>th</sup> St	36
E St. John the Baptist High School	57
Fifth Ward Elementary School	33
Levee	52
Ochsner Hospital	32

## March 6, 2019 EPA/Denka Elastomers LLC Discussion EPA Summary Information

### Chloroprene Concentrations at LaPlace, LA Monitors (May 26, 2016 through February 16, 2019)

#### Post RTO measurements over 20 ug/m<sup>3</sup>

As shown in the tables below, most of the highest post-RTO ambient measurements have been associated with identified operational activities report to EPA by Denka. Many ambient measurements above 0.2 ug/m<sup>3</sup> to 20 ug/m<sup>3</sup> were not on dates for these known activities.

#### Chad Baker

#### Available Operational Information

10/1/2018	(µg/m <sup>3</sup> )	28.2	
10/13/2018	(µg/m <sup>3</sup> )	37.4	Turnaround 10/3-28/18
2/1/2019	(µg/m <sup>3</sup> )	27.2	
02/1/19 (collocated)	(µg/m <sup>3</sup> )	28.3	
2/4/2019	(µg/m <sup>3</sup> )	26.4	
02/4/19 (collocated)	(µg/m <sup>3</sup> )	22.9	

#### Acorn & Hwy 44

10/13/2018	(µg/m <sup>3</sup> )	34.2	Turnaround 10/3-28/18
12/18/2018	(µg/m <sup>3</sup> )	77.3	Tank Maintenance

#### Fifth Ward Elementary

10/13/2018	(µg/m <sup>3</sup> )	57.7	Turnaround 10/3-28/18
10/13/18 (collocated)	(µg/m <sup>3</sup> )	47.9	Turnaround 10/3-28/18
12/18/2018	(µg/m <sup>3</sup> )	24.9	Tank Maintenance
12/18/18 (collocated)	(µg/m <sup>3</sup> )	24.7	Tank Maintenance

#### Levee

3/14/2018	(µg/m <sup>3</sup> )	28.3	Wastewater System Maintenance
4/28/2018	(µg/m <sup>3</sup> )	22.1	Poly Unit Shutdown for turnaround
04/28/18 (collocated)	(µg/m <sup>3</sup> )	21.8	Poly Unit Shutdown for turnaround
10/13/2018	(µg/m <sup>3</sup> )	98.7	Turnaround 10/3-28/18
12/18/2018	(µg/m <sup>3</sup> )	40.3	Tank Maintenance

#### Ocshner Hospital

10/13/2018	(µg/m <sup>3</sup> )	41	Turnaround 10/3-28/18
12/18/2018	(µg/m <sup>3</sup> )	38.4	Tank Maintenance

## March 6, 2019 EPA/Denka Elastomers LLC Discussion EPA Summary Information

### EPA's On-site Monitoring at Denka

#### Monitoring technology

We plan to conduct onsite monitoring using a combination of two well-established monitoring technologies, photoionization detection and evacuated canister grab sampling.

The PID will be packaged with other monitoring capabilities, which collectively we call an SPod. We will deploy up to 7 SPods, some of which will be coupled with an event-triggered evacuated canister.

*The SPod:*

- photoionization detector for continuous monitoring of VOCs
- an anemometer (Gill Windsonic Ultrasonic Anemometer or Airmar WX-110 with humidity option) to measure wind speed, wind direction
- a sensor to measure pressure, temperature, and RH (Digi-Key)

Data are logged at 1 Hz rate to a Secure Digital (SD) card located on the SPod data logger.

PID uses 10.6 eV lamp that will measure VOCs with an ionization energy of 10.6 eV or less and provides a time-resolved indicator of VOC compounds (non-specified). The PID detection sensitivity ranges from less than 0.01 ppm to > 2 ppm.

The SPod collects data from a fixed location and the instrumentation is capable of identifying a plume. A plume produces a rapidly changing, time-dependent concentration signal (seconds) distinguishing it from a baseline concentration signal. The plume is identified during data analysis.

*Triggered canister*

The SPods are equipped with a system that can collect a grab gas samples in evacuated canisters using an automated canister trigger system. The trigger will be activated, and a canister grab sample collected when a time averaged concentration measurement by the SPod exceeds a certain set threshold value. The trigger value can be set through the SPod menu and can be adjusted over time if needed.

Samples collected using the automated canister trigger systems are analyzed using established and validated methods (approved EPA methods).

#### Monitoring logistics

We are planning for an initial site visit the week of March 18<sup>th</sup>.

LDEQ has been invited, and about 6 EPA representatives will identify monitoring locations and coordinate with the facility regarding potential monitoring locations.

Onsite time is estimated to be 1 to 2 days and will require coordination with Denka and DuPont HS&E personnel.

- Some considerations include physically securing the SPods, orientation, potential interferences, wind flow, land power, etc.
- We are planning to bring one of the commercially assembled SPods to help address any technical and siting issues.

## **March 6, 2019 EPA/Denka Elastomers LLC Discussion EPA Summary Information**

During the March site visit, EPA will request that DPE provide guidance on siting locations that may be unsafe or interfere with production and facility operations.

Following the initial site visit, we plan to deploy the monitors in early May. EPA will use the additional time to resolve any remaining technical and siting concerns.

The site visit will inform the May deployment and we plan to locate at least 2 SPods together to verify proper operation.

Once the SPods are secured and collecting data, EPA or Agency designated representatives will visit the site about once every 6 days. We anticipate that these visits will be short in duration. During the site visits the sampling equipment will be checked, canisters from triggered sampling events will be retrieved, and new evacuated canisters attached to the automatic trigger device. We plan to conduct monitoring for up to 6 months.

In addition to support from DPE and Dupont in providing site access and secure locations for the monitoring, EPA will also request specific information from DPE to support our compliance evaluations.

### **Information to be requested of DPE**

As part of EPA's compliance monitoring effort at Denka, EPA will request specific operational, maintenance and other regulatory records to assist in reviewing the monitoring results and evaluating compliance.

#### *Initial Information Needs*

EPA will review the requested records and documents to evaluate compliance with applicable requirements, including, but not limited to:

- Requirements to accurately report emissions and identify and obtain all required permits for emissions sources;
- Requirements to develop and maintain a Startup Shutdown Malfunction Plan (SSMP) and to keep maintenance and unauthorized discharge records;
- Procedures for wastewater maintenance;
- Requirements related to pressure releases, safety devices, and bypass lines; and
- Other control requirements as applicable.

Some of these records and documents to be requested apply to broad categories of activities (for example, relating to all SSM events), while other records and documents relate to specific dates when ambient chloroprene concentrations were elevated.

#### *Monthly Information Needs*

EPA will also need regular information from DPE throughout the period of the compliance monitoring effort. We currently anticipate providing a specific request on a recurring (potentially monthly) basis to assist EPA in evaluating areas of noncompliance identified from the monitoring results.

#### *Episodic Information Needs*

Periodically, EPA may also request additional information associated with specific episodes of elevated monitoring.

## **March 6, 2019 EPA/Denka Elastomers LLC Discussion EPA Summary Information**

### **2018 Emissions Inventory Analysis**

EPA is prepared to review Denka's 2018 LDEQ emissions inventory. Our review will include an evaluation of the emissions reduction projects implemented by Denka in 2018 (e.g. the RTO project). EPA will assess the emissions inventory and evaluate how the reported reductions have impacted the 2018 community ambient monitoring levels. In addition, EPA anticipates that the 2018 emission inventory should include updated emissions for previously uncharacterized and underreported emissions sources. The 2018 emissions inventory should be completed by March 31, 2019 and must be submitted electronically to LDEQ by April 30, 2019.

### **Request for Reconsideration RFR #17002A Concerning Toxicological Review of Chloroprene**

February 12, 2019 Correspondence (attached)

**March 6, 2019 EPA/Denka Elastomers LLC Discussion  
EPA Summary Information**

---



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF MISSION SUPPORT

FEB 12 2019

Mr. Patrick A. Walsh, CIH  
Safety, Health and Environmental Manager  
Denka Performance Elastomer LLC  
560 Highway 44  
LaPlace, LA 70068

RE: Request for Reconsideration #17002A Concerning Toxicological Review of Chloroprene

Dear Mr. Walsh:

Thank you for your letter of January 18, 2019, concerning the status of the Request for Reconsideration (RFR #17002A) submitted by Denka Performance Elastomer LLC (DPE) regarding the *2010 Integrated Risk Information System (IRIS) Toxicological Review of Chloroprene*. The U.S. Environmental Protection Agency's (EPA's) interim response, issued on November 1, 2018, requested that any additional information supporting your request be submitted to EPA by February 1, 2019.

This response acknowledges EPA's receipt of the email from Robert Holden that was submitted on DPE's behalf on February 1, 2019, containing information in support of your request. If DPE wishes to submit any additional information relevant to this RFR, it should be submitted no later than May 1, 2019. In accordance with EPA's Information Quality Guidelines (IQG), EPA will review and assess this information and convene an IQG Executive Panel to reconsider EPA's response to your original request for correction. Under EPA's IQG, this Executive Panel makes the final decision on the RFR.

EPA will provide DPE with a status update on this RFR by June 7, 2019, which is 90 business days from the Agency's receipt of DPE's supplemental information on February 1, 2019.

Sincerely,

Vaughn Noga  
Deputy Assistant Administrator for Environmental Information  
and Chief Information Officer

cc: John Vandenberg, ORD-NCEA-IRIS  
Vincia Holloman, OMS-OEIP-EQMD  
David Gray, DRA, EPA Region 6

Message

---

**From:** Holden, Bob [bholden@joneswalker.com]  
**Sent:** 12/18/2019 8:53:19 PM  
**To:** Lannen, Justin [Lannen.Justin@epa.gov]  
**CC:** steven.shermer@usdoj.gov; Spina, Providence [Spina.Providence@epa.gov]; Chernenkoff, Mike [mchenekoff@joneswalker.com]  
**Subject:** RE: Draft community letter - Confidential Settlement Communication Subject to FRE 408

Justin,

Thanks for the opportunity to review and comment on your proposed letter to President Robottom. As you know, we continue to have strong technical reservations about EPA's proposed SPod deployment program, but we understand that EPA has nevertheless decided to move forward with it.

With regard to your draft letter, we would like to ask that you acknowledge that DPE, on a voluntary basis, has been conducting its own monitoring and, whenever a spike is detected, has been doing a "root cause" assessment to determine the cause of the spike. As you know, we have submitted reports of each assessment to EPA for its review and evaluation. DPE has found this exercise to be helpful and has used the assessments to further reduce chloroprene emissions at its facility. Perhaps your letter could include something along the following lines at bottom of the first page:

We also understand that Denka will continue its own monitoring program. As you know, whenever a spike has been detected, Denka has been doing a "root cause assessment" to determine the cause of such events and then submitting reports on these assessments to EPA and LDEQ. Denka believes that these assessments have been helpful and has used them to further reduce chloroprene emissions at its facility.

DPE will continue to cooperate with EPA and LDEQ in assessing and implementing feasible reductions of chloroprene emissions.

Thanks for your attention to this.

Bob

**Robert E. Holden** : Partner  
Jones Walker LLP  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)

---

**From:** Lannen, Justin <Lannen.Justin@epa.gov>  
**Sent:** Wednesday, December 18, 2019 12:51 PM  
**To:** Holden, Bob <bholden@joneswalker.com>  
**Cc:** steven.shermer@usdoj.gov; Spina, Providence <Spina.Providence@epa.gov>; Chernenkoff, Mike <mchenekoff@joneswalker.com>  
**Subject:** [EXTERNAL] Draft community letter - Confidential Settlement Communication Subject to FRE 408

Bob,

Region 6 would like to give you the opportunity to review the attached draft letter from David Gray to Parish President Robottom regarding EPA's air monitoring plans.

Please respond to me with any comments you may have by 3:00 pm today.

Regards,

Justin

Justin Lannen  
Assistant Regional Counsel  
U.S. EPA, Region 6  
214-665-8130



Message

---

**From:** Lannen, Justin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6A08938C4444196BABDE5BF47045EC6-LANNEN, JUSTIN]  
**Sent:** 3/19/2019 6:36:08 PM  
**To:** Holden, Bob [bholden@joneswalker.com]  
**Subject:** RE: DPE Plant Visit, 3/20/19 , Revised Agenda

Bob – this is to confirm we received your message and we will get you a response this afternoon (ASAP).

Justin

---

**From:** Holden, Bob <bholden@joneswalker.com>  
**Sent:** Tuesday, March 19, 2019 10:25 AM  
**To:** Lannen, Justin <Lannen.Justin@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>  
**Cc:** Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>; Henry, Elise <ehenry@joneswalker.com>; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingjurgens.com>  
**Subject:** DPE Plant Visit, 3/20/19 , Revised Agenda

All:

This will confirm the agenda for tomorrow's site visit to the DPE facility. As you know, attorneys will not be present for the visit, so please pass this agenda on to your technical representatives. DPE has added one item, in red, to EPA's proposed agenda. We think it will be important for EPA to understand DPE's efforts to track down and understand sources of emissions causing ambient spikes before the plant tour.

In addition, to confirm, we understand that the site visit will involve a walkthrough, but that it is not an inspection. We would request that any monitoring with PIDs and/or any SPOD demonstration take place offsite. We think this would contribute to making this a constructive visit.

The following is our revised agenda:

**AGENDA**

- 730 AM - EPA arrives onsite and is taken to 8770 Conf Room.
  - Safety Video presentation will be shown to the whole group in the 8770 Bldg.
- EPA presents its goals, go over any technology questions DPE may have, and lay out our EPA's preliminary ideas on the siting of the SPOD monitors and how the "base station" would communicate with the SPODs.
  - At this point, EPA would welcome thoughts and potential concerns from Denka.
- DPE presentation and discussion updating and providing additional information about the spikes
  - Description of efforts and resources spent by DPE to identify the sources of spikes
- Next would be a site walk-through where EPA would assess the potential locations of the SPODs and where DPE could showcase the improvements it has made to the facility.
- 12:30 – 130: Lunch
- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

**Robert E. Holden** | Partner  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)



**JONES  
WALKER**

Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
[joneswalker.com](http://joneswalker.com)

Message

---

**From:** Lannen, Justin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6A08938C4444196BABDE5BF47045EC6-LANNEN, JUSTIN]  
**Sent:** 12/18/2019 9:13:49 PM  
**To:** Holden, Bob [bholden@joneswalker.com]  
**CC:** steven.shermer@usdoj.gov; Spina, Providence [Spina.Providence@epa.gov]; Chernenkoff, Mike [mchenekoff@joneswalker.com]  
**Subject:** RE: Draft community letter - Confidential Settlement Communication Subject to FRE 408

Bob,

This is to acknowledge receipt of your message. Thank you for your quick response.

Justin

---

**From:** Holden, Bob <bholden@joneswalker.com>  
**Sent:** Wednesday, December 18, 2019 2:53 PM  
**To:** Lannen, Justin <Lannen.Justin@epa.gov>  
**Cc:** steven.shermer@usdoj.gov; Spina, Providence <Spina.Providence@epa.gov>; Chernenkoff, Mike <mchenekoff@joneswalker.com>  
**Subject:** RE: Draft community letter - Confidential Settlement Communication Subject to FRE 408

Justin,

Thanks for the opportunity to review and comment on your proposed letter to President Robottom. As you know, we continue to have strong technical reservations about EPA's proposed SPod deployment program, but we understand that EPA has nevertheless decided to move forward with it.

With regard to your draft letter, we would like to ask that you acknowledge that DPE, on a voluntary basis, has been conducting its own monitoring and, whenever a spike is detected, has been doing a "root cause" assessment to determine the cause of the spike. As you know, we have submitted reports of each assessment to EPA for its review and evaluation. DPE has found this exercise to be helpful and has used the assessments to further reduce chloroprene emissions at its facility. Perhaps your letter could include something along the following lines at bottom of the first page:

We also understand that Denka will continue its own monitoring program. As you know, whenever a spike has been detected, Denka has been doing a "root cause assessment" to determine the cause of such events and then submitting reports on these assessments to EPA and LDEQ. Denka believes that these assessments have been helpful and has used them to further reduce chloroprene emissions at its facility.

DPE will continue to cooperate with EPA and LDEQ in assessing and implementing feasible reductions of chloroprene emissions.

Thanks for your attention to this.

Bob

**Robert E. Holden** Partner  
Jones Walker LLP  
D: 504.582.8139

[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)

---

**From:** Lannen, Justin <[Lannen.Justin@epa.gov](mailto:Lannen.Justin@epa.gov)>

**Sent:** Wednesday, December 18, 2019 12:51 PM

**To:** Holden, Bob <[bholden@joneswalker.com](mailto:bholden@joneswalker.com)>

**Cc:** [steven.shermer@usdoj.gov](mailto:steven.shermer@usdoj.gov); Spina, Providence <[Spina.Providence@epa.gov](mailto:Spina.Providence@epa.gov)>; Chernekoff, Mike <[mchernekoff@joneswalker.com](mailto:mchernekoff@joneswalker.com)>

**Subject:** [EXTERNAL] Draft community letter - Confidential Settlement Communication Subject to FRE 408

Bob,

Region 6 would like to give you the opportunity to review the attached draft letter from David Gray to Parish President Robottom regarding EPA's air monitoring plans.

Please respond to me with any comments you may have by 3:00 pm today.

Regards,

Justin

Justin Lannen  
Assistant Regional Counsel  
U.S. EPA, Region 6  
214-665-8130

Message

---

**From:** Lannen, Justin [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6A08938C4444196BABDE5BF47045EC6-LANNEN, JUSTIN]  
**Sent:** 12/18/2019 6:51:12 PM  
**To:** Holden, Bob [bholden@joneswalker.com]  
**CC:** Shermer, Steven (ENRD) [Steven.Shermer@usdoj.gov]; Spina, Providence [Spina.Providence@epa.gov]; Chernekoff, Mike [mchernekoff@joneswalker.com]  
**Subject:** Draft community letter - Confidential Settlement Communication Subject to FRE 408  
**Attachments:** Draft letter to Parish President Robottom 12.18.19.docx

Bob,

Region 6 would like to give you the opportunity to review the attached draft letter from David Gray to Parish President Robottom regarding EPA's air monitoring plans.

Please respond to me with any comments you may have by 3:00 pm today.

Regards,

Justin

Justin Lannen  
Assistant Regional Counsel  
U.S. EPA, Region 6  
214-665-8130

December 19, 2019

St. John the Baptist Parish President  
Natalie H. Robottom  
1811 W. Airline Highway  
LaPlace, LA 70068

Dear Parish President Robottom,

Last February, I visited with community members in LaPlace to talk about EPA's air monitoring program around the Denka facility and our plans to continue the program to December 2019. I write to update you on our plans to change the air monitoring program in 2020.

Since May 2016, EPA has collected, at regular intervals, 24-hour air canister sample at six monitoring locations near the Denka facility. After data validation, EPA posts monitoring data to our public website. Denka has also conducted its own air monitoring at six monitoring locations and continues this monitoring beyond the six months required by the Administrative Order on Consent (AOC) issued by the Louisiana Department of Environmental Quality (LDEQ) on January 6, 2017. Denka submitted a report to LDEQ on July 1, 2019, stating that Denka had met or exceeded all of the AOC's specifications for the installation and operation of the emission reduction projects associated with the AOC, and that Denka believes it has achieved an emissions reduction of 86%. Both EPA's and Denka's data has shown overall lower chloroprene concentrations in the ambient air near the monitors since Denka installed the regenerative thermal oxidizer in late 2017 and it became fully operational in March 2018. But we also continue to see spikes in chloroprene concentrations at different times.

In the coming year, we intend to implement a new air monitoring program to better understand the frequency and magnitude of chloroprene spikes. We believe that this air monitoring effort may help us identify actions that Denka may be able to take to reduce the occurrence of spikes and thereby further reduce ambient concentrations of chloroprene in the community. For the new program, our existing air monitoring stations will be replaced with new monitors, referred to as SPods, which will be placed at each of EPA's six existing community monitoring sites. Each SPod will contain a meteorological station to continuously measure wind speeds and directions and a photoionization detector to continuously measure total volatile organic compound (VOC) concentrations in the air. The SPods will include a sampling system that is automatically triggered to collect a 24-hour canister sample whenever the PID registers a spike in VOC. The sample will be sent to the laboratory for chloroprene analysis.

EPA will continue to post chloroprene data on our website, but the data from the new monitoring program will be different from the data posted for the past few years. To date, the EPA data has represented air samples collected at regular three or six-day intervals. Under the new program, the frequency of the sampling will depend on the occurrence of VOC spikes at the SPod

monitors and the sampling will only occur when there is a likely spike in chloroprene. Data from the new monitoring program should show the highest concentrations of chloroprene in the community and less likely to show low or undetectable levels of chloroprene.

EPA will continue to operate the existing air monitoring program until the new program is fully operational. We expect SPods to be operational by April 2020 and the program is expected to operate for about 6 months. We will keep you updated on our schedule.

I appreciate your continued support in our efforts to reduce chloroprene emissions in the community. EPA remains committed to this effort. Please feel free to contact me if I can be of assistance.

Sincerely,

David Gray  
Deputy Regional Administrator

cc: Dr. Brown, LDEQ

Message

---

**From:** Taheri, Diane [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53DBBB43F15B408A86678669513F0A21-TAHERI, DIANE]  
**Sent:** 2/7/2020 7:55:08 PM  
**To:** Edward.Krenik@policyres.com  
**Subject:** Requested Letters Re: Denka  
**Attachments:** Jan. 27, 2020, Hugh P. Lambert, Esq., The Lambert Firm, Denka Chloroprene Air Monitoring.r.pdf; Rep. Richmond Letter to EPA Region 6 Admin McQueen re Questions About Monitoring.pdf; EPA Letter to Parish President Robottom.pdf; AL-20-000-2265 Richmond Denka.pdf; AL-20-000-2265 Rep. Richmond Denka.pdf; Jan. 9, 2020, Hugh P. Lambert, Esq., Denka, Changes to Chloroprene Air Monitoring in LaPlace, Louisiana.pdf; Letter to Parish President Hotard 01 23 2020.pdf

As requested, here are the letters regarding the Denka facility in St. John the Baptist Parish, Louisiana.

*Diane Taheri*  
Staff Director  
Office of External Affairs  
EPA Region 6  
Direct: (214) 665-7460  
Mobile: (214) 864-7241





Message

---

**Sent:** 2/7/2020 7:53:32 PM  
**To:** Edward.Krenik@policyres.com  
**Subject:** Requested Letters Re: Denka  
**Attachments:** Jan. 27, 2020, Hugh P. Lambert, Esq., The Lambert Firm, Denka Chloroprene Air Monitoring.r.pdf; Rep. Richmond Letter to EPA Region 6 Admin McQueen re Questions About Monitoring.pdf; EPA Letter to Parish President Robottom.pdf; AL-20-000-2265 Richmond Denka.pdf; AL-20-000-2265 Rep. Richmond Denka.pdf; Jan. 9, 2020, Hugh P. Lambert, Esq., Denka, Changes to Chloroprene Air Monitoring in LaPlace, Louisiana.pdf; Letter to Parish President Hotard 01 23 2020.pdf

As requested, here are the letters

*Diane Taheri*  
Staff Director  
Office of External Affairs  
EPA Region 6  
Direct: (214) 665-7460  
Mobile: (214) 864-7241



Message

---

**From:** Krenik, Edward [edward.krenik@bracewell.com]  
**Sent:** 3/20/2019 1:02:23 AM  
**To:** Gray, David [gray.david@epa.gov]  
**Subject:** Re: Bob's email

Thanks for working this through. Have a good night.

Ed

---

**EDWARD KRENIK**

Senior Principal  
[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)  
T: +1.202.828.5877 | F: +1.800.404.3970

**BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310  
[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

----- Original message -----

**From:** "Gray, David" <gray.david@epa.gov>  
**Date:** 3/19/19 8:32 PM (GMT-05:00)  
**To:** "Krenik, Edward" <edward.krenik@bracewell.com>  
**Subject:** Re: Bob's email

Ed,

Talked with our Enf Director Cheryl Seager and she has confirmed with our Region 6 team that we can achieve our objectives without the FLIR camera. We are tracking Justin to have him call Bob. We should be all set.

David

Sent from my iPhone

On Mar 19, 2019, at 6:34 PM, Krenik, Edward <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)> wrote:

---

**From:** Holden, Bob  
**Sent:** Tuesday, March 19, 2019 6:23 PM

**To:** 'Lannen, Justin' <Lannen.Justin@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>  
**Cc:** Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>; Henry, Elise <ehenry@joneswalker.com>; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingjurgens.com>  
**Subject:** RE: DPE Plant Visit, 3/20/19 , Revised Agenda

Justin,

Thank you for the confirmation that EPA will not be bringing handheld PIDs and will not do any SPod demonstration offsite. We think that will be constructive for tomorrow's site visit.

We are concerned, however, that the FLIR cameras introduce the same concerns as with the handheld PIDs. As you know, we just learned about EPA's intention to use the FLIR cameras this afternoon, and we have many questions about the information they will produce. We do not see that the FLIR cameras would contribute in a meaningful way to the discussion about possible onsite monitoring with the SPods. We would respectfully ask EPA to reconsider the use of FLIR cameras for tomorrow.

I know that time is pressing with the visit scheduled to commence at 7:30 AM tomorrow. Please feel free to call me if it would be helpful. My cell number is 504-813-3049.

Thanks for your attention to this.

Bob

**Robert E. Holden** | Partner  
Jones Walker LLP  
D: 504.582.8139  
BHolden@joneswalker.com

**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**POLICY RESOLUTION GROUP | BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)



**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

----- Original message -----

From: "Gray, David" <[gray.david@epa.gov](mailto:gray.david@epa.gov)>

Date: 3/19/19 7:32 PM (GMT-05:00)

To: "Krenik, Edward" <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)>

Subject: Re: Final agenda

Let me make some calls

Sent from my iPhone

On Mar 19, 2019, at 6:05 PM, Krenik, Edward <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)> wrote:

David,

Can we talk tonight? Denka is considering cancelling as it was just told to us that the region wants to bring a Flir camera but we really dont want to cancel as we want to be cooperative with a visit. Not what was expected for a site visit and at 6:00 before the visit. This should have been worked out before now. The only thing that was told to us was the Spod was being brought for demo. Are you free around 8 eastern? Bob is also calling the EPA lawyers who he learned this from.

Thanks,

Ed

---

**EDWARD KRENİK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

----- Original message -----

From: "Krenik, Edward" <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)>

Date: 3/19/19 12:46 PM (GMT-05:00)

To: [Gray.David@epa.gov](mailto:Gray.David@epa.gov)

Subject: Final agenda

---

**EDWARD KRENİK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**POLICY RESOLUTION GROUP | BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

<[imagecc8bbf.PNG](#)>

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

**From:** Holden, Bob

**Sent:** Tuesday, March 19, 2019 10:25 AM

**To:** Justin Lannen ([Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)) <[Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)>; Spina, Providence <[Spina.Providence@epa.gov](mailto:Spina.Providence@epa.gov)>; Katheryn Pirrotta Caballero ([Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)) <[Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)>; Patricia Welton

([welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)) <[welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)>; Payne, James  
<[payne.james@epa.gov](mailto:payne.james@epa.gov)>; Ted R. Broyles II ([Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)) <[Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)>;  
Dwana King ([dwana.king@la.gov](mailto:dwana.king@la.gov)) <[dwana.king@la.gov](mailto:dwana.king@la.gov)>  
**Cc:** Kusaka, Akihiko <[Akihiko-Kusaka@denka-pe.com](mailto:Akihiko-Kusaka@denka-pe.com)>; Henry, Elise  
<[ehenry@joneswalker.com](mailto:ehenry@joneswalker.com)>; Eric E. Jarrell ([ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com))  
<[ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)>; James, Amanda <[AJames@kingjurgens.com](mailto:AJames@kingjurgens.com)>  
**Subject:** DPE Plant Visit, 3/20/19 , Revised Agenda

All:

This will confirm the agenda for tomorrow's site visit to the DPE facility. As you know, attorneys will not be present for the visit, so please pass this agenda on to your technical representatives. DPE has added one item, in red, to EPA's proposed agenda. We think it will be important for EPA to understand DPE's efforts to track down and understand sources of emissions causing ambient spikes before the plant tour.

In addition, to confirm, we understand that the site visit will involve a walkthrough, but that it is not an inspection. We would request that any monitoring with PIDs and/or any SPOD demonstration take place offsite. We think this would contribute to making this a constructive visit.

The following is our revised agenda:

#### **AGENDA**

- 730 AM - EPA arrives onsite and is taken to 8770 Conf Room.
  - Safety Video presentation will be shown to the whole group in the 8770 Bldg.
- EPA presents its goals, go over any technology questions DPE may have, and lay out our EPA's preliminary ideas on the siting of the SPOD monitors and how the "base station" would communicate with the SPODs.
  - At this point, EPA would welcome thoughts and potential concerns from Denka.
- DPE presentation and discussion updating and providing additional information about the spikes
  - Description of efforts and resources spent by DPE to identify the sources of spikes
- Next would be a site walk-through where EPA would assess the potential locations of the SPODs and where DPE could showcase the improvements it has made to the facility.
- 12:30 – 130: Lunch
- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

**Robert E. Holden** | Partner  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)

<image001.png><image002.png>

<image003.png>

Jones Walker LLP  
201 St. Charles Ave, Ste 5100

New Orleans, LA 70170  
**joneswalker.com**

Message

---

**From:** Krenik, Edward [edward.krenik@bracewell.com]  
**Sent:** 3/19/2019 11:34:44 PM  
**To:** Gray, David [gray.david@epa.gov]  
**Subject:** Bob's email

---

**From:** Holden, Bob  
**Sent:** Tuesday, March 19, 2019 6:23 PM  
**To:** 'Lannen, Justin' <Lannen.Justin@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>  
**Cc:** Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>; Henry, Elise <ehenry@joneswalker.com>; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingjurgens.com>  
**Subject:** RE: DPE Plant Visit, 3/20/19 , Revised Agenda

Justin,

Thank you for the confirmation that EPA will not be bringing handheld PIDs and will not do any SPod demonstration offsite. We think that will be constructive for tomorrow's site visit.

We are concerned, however, that the FLIR cameras introduce the same concerns as with the handheld PIDs. As you know, we just learned about EPA's intention to use the FLIR cameras this afternoon, and we have many questions about the information they will produce. We do not see that the FLIR cameras would contribute in a meaningful way to the discussion about possible onsite monitoring with the SPods. We would respectfully ask EPA to reconsider the use of FLIR cameras for tomorrow.

I know that time is pressing with the visit scheduled to commence at 7:30 AM tomorrow. Please feel free to call me if it would be helpful. My cell number is 504-813-3049.

Thanks for your attention to this.

Bob

**Robert E. Holden** | Partner  
Jones Walker LLP  
D: 504.582.8139



---

**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**POLICY RESOLUTION GROUP | BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)



**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

----- Original message -----

From: "Gray, David" <[gray.david@epa.gov](mailto:gray.david@epa.gov)>

Date: 3/19/19 7:32 PM (GMT-05:00)

To: "Krenik, Edward" <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)>

Subject: Re: Final agenda

Let me make some calls

Sent from my iPhone

On Mar 19, 2019, at 6:05 PM, Krenik, Edward <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)> wrote:

David,

Can we talk tonight? Denka is considering cancelling as it was just told to us that the region wants to bring a Flir camera but we really dont want to cancel as we want to be cooperative with a visit. Not what was expected for a site visit and at 6:00 before the visit. This should have been worked out before now. The only thing that was told to us was the Spod was being brought for demo. Are you free around 8 eastern? Bob is also calling the EPA lawyers who he learned this from.

Thanks,

Ed

---

**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

----- Original message -----

From: "Krenik, Edward" <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)>

Date: 3/19/19 12:46 PM (GMT-05:00)

To: [Gray.David@epa.gov](mailto:Gray.David@epa.gov)

Subject: Final agenda

---

**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**POLICY RESOLUTION GROUP | BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

[<imagecc8bbf.PNG>](#)

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential.

If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

**From:** Holden, Bob

**Sent:** Tuesday, March 19, 2019 10:25 AM

**To:** Justin Lannen ([Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)) <[Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)>; Spina, Providence <[Spina.Providence@epa.gov](mailto:Spina.Providence@epa.gov)>; Kathryn Pirrotta Caballero ([Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)) <[Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)>; Patricia Welton ([welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)) <[welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)>; Payne, James <[payne.james@epa.gov](mailto:payne.james@epa.gov)>; Ted R. Broyles II ([Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)) <[Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)>; Dwana King ([dwana.king@la.gov](mailto:dwana.king@la.gov)) <[dwana.king@la.gov](mailto:dwana.king@la.gov)>  
**Cc:** Kusaka, Akihiko <[Akihiko-Kusaka@denka-pe.com](mailto:Akihiko-Kusaka@denka-pe.com)>; Henry, Elise <[ehenry@joneswalker.com](mailto:ehenry@joneswalker.com)>; Eric E. Jarrell ([ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)) <[ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)>; James, Amanda <[Ajames@kingjurgens.com](mailto:Ajames@kingjurgens.com)>  
**Subject:** DPE Plant Visit, 3/20/19 , Revised Agenda

All:

This will confirm the agenda for tomorrow's site visit to the DPE facility. As you know, attorneys will not be present for the visit, so please pass this agenda on to your technical representatives. DPE has added one item, in red, to EPA's proposed agenda. We think it will be important for EPA to understand DPE's efforts to track down and understand sources of emissions causing ambient spikes before the plant tour.

In addition, to confirm, we understand that the site visit will involve a walkthrough, but that it is not an inspection. We would request that any monitoring with PIDs and/or any SPOD demonstration take place offsite. We think this would contribute to making this a constructive visit.

The following is our revised agenda:

#### **AGENDA**

- 730 AM - EPA arrives onsite and is taken to 8770 Conf Room.
  - Safety Video presentation will be shown to the whole group in the 8770 Bldg.
- EPA presents its goals, go over any technology questions DPE may have, and lay out our EPA's preliminary ideas on the siting of the SPOD monitors and how the "base station" would communicate with the SPODs.
  - At this point, EPA would welcome thoughts and potential concerns from Denka.
- DPE presentation and discussion updating and providing additional information about the spikes
  - Description of efforts and resources spent by DPE to identify the sources of spikes
- Next would be a site walk-through where EPA would assess the potential locations of the SPODs and where DPE could showcase the improvements it has made to the facility.
- 12:30 – 130: Lunch
- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

**Robert E. Holden** | Partner

D: 504.582.8139

[RHolden@joneswalker.com](mailto:RHolden@joneswalker.com)

<image001.png><image002.png>

<image003.png>

Jones Walker LLP

201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
**joneswalker.com**

Message

---

**From:** Krenik, Edward [edward.krenik@bracewell.com]  
**Sent:** 3/19/2019 11:33:18 PM  
**To:** Gray, David [gray.david@epa.gov]  
**Subject:** Re: Final agenda

Thanks

---

**EDWARD KRENIK**

Senior Principal  
[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)  
T: +1.202.828.5877 | F: +1.800.404.3970

**BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310  
[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

----- Original message -----

From: "Gray, David" <gray.david@epa.gov>  
Date: 3/19/19 7:32 PM (GMT-05:00)  
To: "Krenik, Edward" <edward.krenik@bracewell.com>  
Subject: Re: Final agenda

Let me make some calls

Sent from my iPhone

On Mar 19, 2019, at 6:05 PM, Krenik, Edward <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)> wrote:

David,

Can we talk tonight? Denka is considering cancelling as it was just told to us that the region wants to bring a Flir camera but we really dont want to cancel as we **want** to be cooperative with a visit. Not what was expected for a site visit and at 6:00 before the visit. This should have been worked out before now. The only thing that was told to us was the Spod was being brought for demo. Are you free around 8 eastern? Bob is also calling the EPA lawyers who he learned this from.

Thanks,

Ed

---

**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

----- Original message -----

From: "Krenik, Edward" <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)>

Date: 3/19/19 12:46 PM (GMT-05:00)

To: [Gray.David@epa.gov](mailto:Gray.David@epa.gov)

Subject: Final agenda

---

**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**POLICY RESOLUTION GROUP | BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

[<imageecc8bbf.PNG>](#)

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

**From:** Holden, Bob

**Sent:** Tuesday, March 19, 2019 10:25 AM

**To:** Justin Lannen ([Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)) <[Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)>; Spina, Providence <[Spina.Providence@epa.gov](mailto:Spina.Providence@epa.gov)>; Katheryn Pirrotta Caballero ([Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)) <[Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)>; Patricia Welton ([welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)) <[welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)>; Payne, James <[payne.james@epa.gov](mailto:payne.james@epa.gov)>; Ted R. Broyles II ([Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)) <[Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)>; Dwana King ([dwana.king@la.gov](mailto:dwana.king@la.gov)) <[dwana.king@la.gov](mailto:dwana.king@la.gov)>  
**Cc:** Kusaka, Akihiko <[Akihiko-Kusaka@denka-pe.com](mailto:Akihiko-Kusaka@denka-pe.com)>; Henry, Elise <[ehenry@joneswalker.com](mailto:ehenry@joneswalker.com)>; Eric E. Jarrell ([ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)) <[ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)>; James, Amanda <[Ajames@kingjurgens.com](mailto:Ajames@kingjurgens.com)>  
**Subject:** DPE Plant Visit, 3/20/19 , Revised Agenda

All:

This will confirm the agenda for tomorrow's site visit to the DPE facility. As you know, attorneys will not be present for the visit, so please pass this agenda on to your technical representatives. DPE has added one item, in red, to EPA's proposed agenda. We think it will be important for EPA to understand DPE's efforts to track down and understand sources of emissions causing ambient spikes before the plant tour.

In addition, to confirm, we understand that the site visit will involve a walkthrough, but that it is not an inspection. We would request that any monitoring with PIDs and/or any SPOD demonstration take place offsite. We think this would contribute to making this a constructive visit.

The following is our revised agenda:

#### **AGENDA**

- 730 AM - EPA arrives onsite and is taken to 8770 Conf Room.
  - Safety Video presentation will be shown to the whole group in the 8770 Bldg.
- EPA presents its goals, go over any technology questions DPE may have, and lay out our EPA's preliminary ideas on the siting of the SPOD monitors and how the "base station" would communicate with the SPODs.
  - At this point, EPA would welcome thoughts and potential concerns from Denka.
- DPE presentation and discussion updating and providing additional information about the spikes
  - Description of efforts and resources spent by DPE to identify the sources of spikes
- Next would be a site walk-through where EPA would assess the potential locations of the SPODs and where DPE could showcase the improvements it has made to the facility.
- 12:30 – 130: Lunch
- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

**Robert E. Holden** | Partner

D: 504.582.8139

[RHolden@joneswalker.com](mailto:RHolden@joneswalker.com)

<image001.png><image002.png>

<image003.png>

Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
[joneswalker.com](http://joneswalker.com)





Message

---

**From:** Krenik, Edward [edward.krenik@bracewell.com]  
**Sent:** 3/19/2019 11:05:41 PM  
**To:** Gray, David [gray.david@epa.gov]  
**Subject:** Re: Final agenda

David,

Can we talk tonight? Denka is considering cancelling as it was just told to us that the region wants to bring a Flir camera but we really dont want to cancel as we **want** to be cooperative with a visit. Not what was expected for a site visit and at 6:00 before the visit. This should have been worked out before now. The only thing that was told to us was the Spod was being brought for demo. Are you free around 8 eastern? Bob is also calling the EPA lawyers who he learned this from.

Thanks,

Ed

---

**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

----- Original message -----

From: "Krenik, Edward" <edward.krenik@bracewell.com>

Date: 3/19/19 12:46 PM (GMT-05:00)

To: Gray.David@epa.gov

Subject: Final agenda

**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**POLICY RESOLUTION GROUP | BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)



**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

**From:** Holden, Bob

**Sent:** Tuesday, March 19, 2019 10:25 AM

**To:** Justin Lannen ([Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)) <[Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)>; Spina, Providence <[Spina.Providence@epa.gov](mailto:Spina.Providence@epa.gov)>; Kathryn Pirrotta Caballero ([Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)) <[Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)>; Patricia Welton ([welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)) <[welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)>; Payne, James <[payne.james@epa.gov](mailto:payne.james@epa.gov)>; Ted R. Broyles II ([Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)) <[Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)>; Dwana King ([dwana.king@la.gov](mailto:dwana.king@la.gov)) <[dwana.king@la.gov](mailto:dwana.king@la.gov)>  
**Cc:** Kusaka, Akihiko <[Akihiko-Kusaka@denka-pe.com](mailto:Akihiko-Kusaka@denka-pe.com)>; Henry, Elise <[ehenry@joneswalker.com](mailto:ehenry@joneswalker.com)>; Eric E. Jarrell ([ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)) <[ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)>; James, Amanda <[Ajames@kingjurgens.com](mailto:Ajames@kingjurgens.com)>  
**Subject:** DPE Plant Visit, 3/20/19 , Revised Agenda

All:

This will confirm the agenda for tomorrow's site visit to the DPE facility. As you know, attorneys will not be present for the visit, so please pass this agenda on to your technical representatives. DPE has added one item, in red, to EPA's proposed agenda. We think it will be important for EPA to understand DPE's efforts to track down and understand sources of emissions causing ambient spikes before the plant tour.

In addition, to confirm, we understand that the site visit will involve a walkthrough, but that it is not an inspection. We would request that any monitoring with PIDs and/or any SPOD demonstration take place offsite. We think this would contribute to making this a constructive visit.

The following is our revised agenda:

**AGENDA**

- 730 AM - EPA arrives onsite and is taken to 8770 Conf Room.
  - Safety Video presentation will be shown to the whole group in the 8770 Bldg.
- EPA presents its goals, go over any technology questions DPE may have, and lay out our EPA's preliminary ideas on the siting of the SPOD monitors and how the "base station" would communicate with the SPODs.
  - At this point, EPA would welcome thoughts and potential concerns from Denka.
- DPE presentation and discussion updating and providing additional information about the spikes

- Description of efforts and resources spent by DPE to identify the sources of spikes
- Next would be a site walk-through where EPA would assess the potential locations of the SPODs and where DPE could showcase the improvements it has made to the facility.
- 12:30 – 130: Lunch
- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

**Robert E. Holden** | Partner  
D: 504.582.8139  
[RHolden@joneswalker.com](mailto:RHolden@joneswalker.com)



Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
[joneswalker.com](http://joneswalker.com)

Message

---

**From:** Krenik, Edward [edward.krenik@bracewell.com]  
**Sent:** 3/19/2019 4:46:33 PM  
**To:** Gray, David [gray.david@epa.gov]  
**Subject:** Final agenda

.....  
**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**POLICY RESOLUTION GROUP | BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)



**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

**From:** Holden, Bob

**Sent:** Tuesday, March 19, 2019 10:25 AM

**To:** Justin Lannen ([Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)) <[Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)>; Spina, Providence <[Spina.Providence@epa.gov](mailto:Spina.Providence@epa.gov)>; Katheryn Pirrotta Caballero ([Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)) <[Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)>; Patricia Welton ([welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)) <[welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)>; Payne, James <[payne.james@epa.gov](mailto:payne.james@epa.gov)>; Ted R. Broyles II ([Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)) <[Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)>; Dwana King ([dwana.king@la.gov](mailto:dwana.king@la.gov)) <[dwana.king@la.gov](mailto:dwana.king@la.gov)>  
**Cc:** Kusaka, Akihiko <[Akihiko-Kusaka@denka-pe.com](mailto:Akihiko-Kusaka@denka-pe.com)>; Henry, Elise <[ehenry@joneswalker.com](mailto:ehenry@joneswalker.com)>; Eric E. Jarrell ([ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)) <[ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)>; James, Amanda <[Ajames@kingjurgens.com](mailto:Ajames@kingjurgens.com)>

**Subject:** DPE Plant Visit, 3/20/19 , Revised Agenda

All:

This will confirm the agenda for tomorrow's site visit to the DPE facility. As you know, attorneys will not be present for the visit, so please pass this agenda on to your technical representatives. DPE has added one item, in red, to EPA's proposed agenda. We think it will be important for EPA to understand DPE's efforts to track down and understand sources of emissions causing ambient spikes before the plant tour.

In addition, to confirm, we understand that the site visit will involve a walkthrough, but that it is not an inspection. We would request that any monitoring with PIDs and/or any SPod demonstration take place offsite. We think this would contribute to making this a constructive visit.

The following is our revised agenda:

## **AGENDA**

- 730 AM - EPA arrives onsite and is taken to 8770 Conf Room.
  - Safety Video presentation will be shown to the whole group in the 8770 Bldg.
- EPA presents its goals, go over any technology questions DPE may have, and lay out our EPA's preliminary ideas on the siting of the SPOD monitors and how the "base station" would communicate with the SPODs.
  - At this point, EPA would welcome thoughts and potential concerns from Denka.
- DPE presentation and discussion updating and providing additional information about the spikes
  - Description of efforts and resources spent by DPE to identify the sources of spikes
- Next would be a site walk-through where EPA would assess the potential locations of the SPODs and where DPE could showcase the improvements it has made to the facility.
- 12:30 – 130: Lunch
- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

**Robert E. Holden** | Partner  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)



Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
[joneswalker.com](http://joneswalker.com)

Message

---

**From:** Gray, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=881C62B1E54142388C1DE2F8E3799C33-GRAY, DAVID]  
**Sent:** 3/20/2019 12:30:10 AM  
**To:** Krenik, Edward [edward.krenik@bracewell.com]  
**Subject:** Re: Bob's email

Ed,

Talked with our Enf Director Cheryl Seager and she has confirmed with our Region 6 team that we can achieve our objectives without the FLIR camera. We are tracking Justin to have him call Bob. We should be all set.

David

Sent from my iPhone

On Mar 19, 2019, at 6:34 PM, Krenik, Edward <edward.krenik@bracewell.com> wrote:

---

**From:** Holden, Bob  
**Sent:** Tuesday, March 19, 2019 6:23 PM  
**To:** 'Lannen, Justin' <Lannen.Justin@epa.gov>; Spina, Providence <Spina.Providence@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Payne, James <payne.james@epa.gov>; Ted R. Broyles II (Ted.Broyles@la.gov) <Ted.Broyles@la.gov>; Dwana King (dwana.king@la.gov) <dwana.king@la.gov>  
**Cc:** Kusaka, Akihiko <Akihiko-Kusaka@denka-pe.com>; Henry, Elise <ehenry@joneswalker.com>; Eric E. Jarrell (ejarrell@kingkrebs.com) <ejarrell@kingkrebs.com>; James, Amanda <Ajames@kingiurgens.com>  
**Subject:** RE: DPE Plant Visit, 3/20/19 , Revised Agenda

Justin,

Thank you for the confirmation that EPA will not be bringing handheld PIDs and will not do any SPod demonstration offsite. We think that will be constructive for tomorrow's site visit.

We are concerned, however, that the FLIR cameras introduce the same concerns as with the handheld PIDs. As you know, we just learned about EPA's intention to use the FLIR cameras this afternoon, and we have many questions about the information they will produce. We do not see that the FLIR cameras would contribute in a meaningful way to the discussion about possible onsite monitoring with the SPods. We would respectfully ask EPA to reconsider the use of FLIR cameras for tomorrow.

I know that time is pressing with the visit scheduled to commence at 7:30 AM tomorrow. Please feel free to call me if it would be helpful. My cell number is 504-813-3049.

Thanks for your attention to this.

Bob

**Robert E. Holden** | Partner  
Jones Walker LLP  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)

**EDWARD KRENIK**  
Senior Principal  
[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)  
T: +1.202.828.5877 | F: +1.800.404.3970

**POLICY RESOLUTION GROUP | BRACEWELL LLP**  
2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310  
[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)



**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

----- Original message -----

From: "Gray, David" <[gray.david@epa.gov](mailto:gray.david@epa.gov)>  
Date: 3/19/19 7:32 PM (GMT-05:00)  
To: "Krenik, Edward" <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)>  
Subject: Re: Final agenda

Let me make some calls

Sent from my iPhone

On Mar 19, 2019, at 6:05 PM, Krenik, Edward <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)> wrote:

David,

Can we talk tonight? Denka is considering cancelling as it was just told to us that the region wants to bring a Flir camera but we really dont want to cancel as we want to be cooperative with a visit. Not what was expected for a site visit and at 6:00 before the visit. This should have been worked out before now. The only thing that was told to us was the Spod was being brought for demo. Are you free around 8 eastern? Bob is also calling the EPA lawyers who he learned this from.

Thanks,

Ed

---

**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

----- Original message -----

From: "Krenik, Edward" <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)>

Date: 3/19/19 12:46 PM (GMT-05:00)

To: [Gray.David@epa.gov](mailto:Gray.David@epa.gov)

Subject: Final agenda

---

**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970



**POLICY RESOLUTION GROUP | BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

<imagecc8bbf.PNG>

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

**From:** Holden, Bob

**Sent:** Tuesday, March 19, 2019 10:25 AM

**To:** Justin Lannen ([Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)) <[Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)>; Spina, Providence <[Spina.Providence@epa.gov](mailto:Spina.Providence@epa.gov)>; Katheryn Pirrotta Caballero ([Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)) <[Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)>; Patricia Welton ([welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)) <[welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)>; Payne, James <[payne.james@epa.gov](mailto:payne.james@epa.gov)>; Ted R. Broyles II ([Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)) <[Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)>; Dwana King ([dwana.king@la.gov](mailto:dwana.king@la.gov)) <[dwana.king@la.gov](mailto:dwana.king@la.gov)>

**Cc:** Kusaka, Akihiko <[Akihiko-Kusaka@denka-pe.com](mailto:Akihiko-Kusaka@denka-pe.com)>; Henry, Elise <[ehenry@joneswalker.com](mailto:ehenry@joneswalker.com)>; Eric E. Jarrell ([ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)) <[ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)>; James, Amanda <[Ajames@kingjurgens.com](mailto:Ajames@kingjurgens.com)>

**Subject:** DPE Plant Visit, 3/20/19 , Revised Agenda

All:

This will confirm the agenda for tomorrow's site visit to the DPE facility. As you know, attorneys will not be present for the visit, so please pass this agenda on to your technical representatives. DPE has added one item, in red, to EPA's proposed agenda. We think it will be important for EPA to understand DPE's efforts to track down and understand sources of emissions causing ambient spikes before the plant tour.

In addition, to confirm, we understand that the site visit will involve a walkthrough, but that it is not an inspection. We would request that any monitoring with PIDs and/or any SPod demonstration take place offsite. We think this would contribute to making this a constructive visit.

The following is our revised agenda:

**AGENDA**

- 730 AM - EPA arrives onsite and is taken to 8770 Conf Room.
  - Safety Video presentation will be shown to the whole group in the 8770 Bldg.
- EPA presents its goals, go over any technology questions DPE may have, and lay out our EPA's preliminary ideas on the siting of the SPOD monitors and how the "base station" would communicate with the SPODs.
  - At this point, EPA would welcome thoughts and potential concerns from Denka.

- DPE presentation and discussion updating and providing additional information about the spikes
  - Description of efforts and resources spent by DPE to identify the sources of spikes
- Next would be a site walk-through where EPA would assess the potential locations of the SPODs and where DPE could showcase the improvements it has made to the facility.
- 12:30 – 130: Lunch
- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

**Robert E. Holden** | Partner  
D: 504.582.8139  
[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)

<image001.png><image002.png>

<image003.png>

Jones Walker LLP  
201 St. Charles Ave, Ste 5100  
New Orleans, LA 70170  
**joneswalker.com**

Message

---

**From:** Gray, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=881C62B1E54142388C1DE2F8E3799C33-GRAY, DAVID]  
**Sent:** 3/19/2019 11:30:33 PM  
**To:** Krenik, Edward [edward.krenik@bracewell.com]  
**Subject:** Re: Final agenda

Let me make some calls

Sent from my iPhone

On Mar 19, 2019, at 6:05 PM, Krenik, Edward <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)> wrote:

David,

Can we talk tonight? Denka is considering cancelling as it was just told to us that the region wants to bring a Flir camera but we really dont want to cancel as we **want** to be cooperative with a visit. Not what was expected for a site visit and at 6:00 before the visit. This should have been worked out before now. The only thing that was told to us was the Spod was being brought for demo. Are you free around 8 eastern? Bob is also calling the EPA lawyers who he learned this from.

Thanks,

Ed

---

**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

----- Original message -----

From: "Krenik, Edward" <[edward.krenik@bracewell.com](mailto:edward.krenik@bracewell.com)>

Date: 3/19/19 12:46 PM (GMT-05:00)

To: [Gray.David@epa.gov](mailto:Gray.David@epa.gov)

Subject: Final agenda

---

**EDWARD KRENIK**

Senior Principal

[edward.krenik@policyres.com](mailto:edward.krenik@policyres.com)

T: +1.202.828.5877 | F: +1.800.404.3970

**POLICY RESOLUTION GROUP | BRACEWELL LLP**

2001 M Street NW, Suite 900 | Washington, D.C. | 20036-3310

[policyres.com](http://policyres.com) | [profile](#) | [download v-card](#)

<imagecc8bbf.PNG>

**CONFIDENTIALITY STATEMENT**

This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

**From:** Holden, Bob

**Sent:** Tuesday, March 19, 2019 10:25 AM

**To:** Justin Lannen ([Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)) <[Lannen.Justin@EPA.GOV](mailto:Lannen.Justin@EPA.GOV)>; Spina, Providence <[Spina.Providence@epa.gov](mailto:Spina.Providence@epa.gov)>; Kathryn Pirrotta Caballero ([Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)) <[Caballero.Kathryn@epa.gov](mailto:Caballero.Kathryn@epa.gov)>;

Patricia Welton ([welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)) <[welton.patricia@epa.gov](mailto:welton.patricia@epa.gov)>;

Payne, James <[payne.james@epa.gov](mailto:payne.james@epa.gov)>; Ted R. Broyles II ([Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)) <[Ted.Broyles@la.gov](mailto:Ted.Broyles@la.gov)>;

Dwana King ([dwana.king@la.gov](mailto:dwana.king@la.gov)) <[dwana.king@la.gov](mailto:dwana.king@la.gov)>

**Cc:** Kusaka, Akihiko <[Akihiko-Kusaka@denka-pe.com](mailto:Akihiko-Kusaka@denka-pe.com)>; Henry, Elise <[ehenry@joneswalker.com](mailto:ehenry@joneswalker.com)>; Eric E. Jarrell ([ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)) <[ejarrell@kingkrebs.com](mailto:ejarrell@kingkrebs.com)>; James, Amanda <[Ajames@kingjurgens.com](mailto:Ajames@kingjurgens.com)>

**Subject:** DPE Plant Visit, 3/20/19 , Revised Agenda

All:

This will confirm the agenda for tomorrow's site visit to the DPE facility. As you know, attorneys will not be present for the visit, so please pass this agenda on to your technical representatives. DPE has added one item, in red, to EPA's proposed agenda. We think it will be important for EPA to understand DPE's efforts to track down and understand sources of emissions causing ambient spikes before the plant tour.

In addition, to confirm, we understand that the site visit will involve a walkthrough, but that it is not an inspection. We would request that any monitoring with PIDs and/or any SPod demonstration take place offsite. We think this would contribute to making this a constructive visit.

The following is our revised agenda:

**AGENDA**

- 730 AM - EPA arrives onsite and is taken to 8770 Conf Room.
  - Safety Video presentation will be shown to the whole group in the 8770 Bldg.

- EPA presents its goals, go over any technology questions DPE may have, and lay out our EPA's preliminary ideas on the siting of the SPOD monitors and how the "base station" would communicate with the SPODs.
  - At this point, EPA would welcome thoughts and potential concerns from Denka.
- DPE presentation and discussion updating and providing additional information about the spikes
  - Description of efforts and resources spent by DPE to identify the sources of spikes
- Next would be a site walk-through where EPA would assess the potential locations of the SPODs and where DPE could showcase the improvements it has made to the facility.
- 12:30 – 130: Lunch
- Post walk-through discussion. EPA expects the discussion to involve the technical challenges with emissions offsite and improvements at the plant.

**Robert E. Holden** | Partner

D: 504.582.8139

[BHolden@joneswalker.com](mailto:BHolden@joneswalker.com)

<image001.png><image002.png>

<image003.png>

Jones Walker LLP  
 201 St. Charles Ave, Ste 5100  
 New Orleans, LA 70170  
**joneswalker.com**

Message

---

**From:** Gray, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=881C62B1E54142388C1DE2F8E3799C33-GRAY, DAVID]  
**Sent:** 12/20/2019 8:46:45 PM  
**To:** Krenik, Edward [edward.krenik@bracewell.com]  
**Subject:** Letter  
**Attachments:** EPA\_LTR\_LA\_12\_19\_2019.pdf